

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

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UNITED STATES OF AMERICA

Plaintiff,

Criminal Action No. 06-76 (GMS)

v.

CHIAN SPIRIT MARITIME ENTERPRISES, INC.,  
VENETICO MARINE S.A., *et al.*

Defendants.

-----X

**DEFENDANTS, CHIAN SPIRIT MARITIME ENTERPRISES, INC.  
AND VENETICO MARINE, S.A.'s, OBJECTIONS AND REQUEST FOR  
PRETRIAL RULINGS AS TO THE ADMISSIBILITY OF THE FOLLOWING  
PORTIONS OF THE RULE 15 DEPOSITION TESTIMONY OF  
PAUL TUDOR.**

COME NOW, moving defendants, Venetico Marine, S.A. ("Venetico") and Chian Spirit Maritime Enterprises, Inc. ("CSME")(collectively, "Moving Defendants"), who respectfully request that this Honorable Court consider and rule, before the voir dire of the jury panel, and out of the presence and hearing of the jury panel, as to the admissibility of the following Rule 15 deposition testimony by Paul Tudor, which the Government has stated it will seek to introduce at trial.<sup>1</sup>

Specifically, Moving Defendants object to the admissibility of the following deposition testimony by Paul Tudor, the "electrician" from the M/V IRENE E., on the following grounds. For the Court's ready reference, a correct and true copy of the transcript of the Rule 15 deposition of Mr. Tudor, conducted at the office of the United

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<sup>1</sup> For the Court's ready reference, Moving Defendants advise that in order to facilitate the deposition process, counsel for all parties agreed to expressly reserve making objections during the examination.

United States Attorney, 700 Nemours Building, 1007 Orange Street, Wilmington, Delaware, on Friday, July 14, 2006, is attached hereto as Exhibit "A".

**Paul Tudor (Electrician)**

Moving Defendants respectfully submit that during the Rule 15 deposition examination, Mr. Tudor, the electrician on board the M/V IRENE E.M. clearly, concisely and unambiguously testified, in sum and substance, that he is not a licensed marine engineer; did not have any responsibilities relating to the use, operation and/or maintenance of any engine room equipment; is not authorized or qualified to operate the oily water separation equipment; is not authorized or qualified to maintain the oily water separation system; is not authorized or qualified to make any repairs to the oily water separation system. *See Exhibit "A," Transcript at Page 36/line 22 through Page 37/line 20; Page 57/line 5 through Page 58/line 21; and page 66/line 20 through Page 67/line 17.*

In view of the foregoing, Moving Defendants object to the introduction of the following testimony, as it lacks sufficient foundation; calls for speculation; calls for strictly inadmissible hearsay responses; assumes facts not in evidence and, if admitted, would be unfairly prejudicial, confusing and otherwise misleading to the trier of fact:

Page 22/lines 15- 18; and  
Page 88/lines 10 -16.

Additionally, Moving Defendants object to the following testimony on the following grounds:

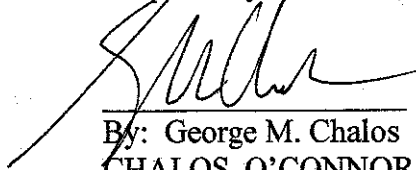
Page 19/lines 2 – 13 (relevance); and  
Page 69/lines 1 – Page 70/line 6 (relevance).

**CONCLUSION**

For the reasons more fully set forth above, Moving Defendants respectfully request that this Honorable Court issue an Order:

- (1) Granting Moving Defendants' application to exclude, either in its entirety or to the extent the Court finds just and proper, the foregoing objectionable portions of the Rule 15 deposition testimony for the reasons more fully set forth above; and
- (2) For any and all such other and further relief which the Court deems to be just and proper under the specific circumstances of this matter.

Respectfully submitted,



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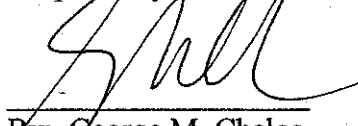
**CERTIFICATE OF SERVICE**

I do hereby certify that, on this 6th day of November 2006, I have served a copy of the foregoing pleading on counsel for all parties to this proceeding, by Email and by mailing the same by United States mail, properly addressed, and first-class postage prepaid to the following:

United States Department of Justice  
U.S. Attorney's Office  
Nemours Building  
1007 N. Orange Street, Suite 700  
Wilmington, Delaware 19801  
Attn: Edmond Falgowski, Esq.

United States Department of Justice  
Environmental Crimes Section  
P.O. Box 23985  
L'Enfant Plaza Street  
Washington, D.C. 20026  
Attn: Gregory Linsin, Esq.  
Jeffrey Phillips, Esq.  
Tracy Katz, Esq.

Respectfully submitted,



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# **EXHIBIT A**

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

UNITED STATES OF AMERICA, :

Plaintiff, :

vs. :No. 1:06-CR-00076-GMS-2

CHIAN SPIRIT MARITIME :

ENTERPRISES, INC., VENETICO

MARINE S.A. IRENE E/M, :

EVANGELOS MADIAS, CHRISTOS

PAGONES, ADRIEN DRAGOMIR, :

Defendants. :  
- - -

Deposition of PAUL TUDOR, taken  
pursuant to notice in the offices of the United States  
Department of Justice, 700 Nemours Building, 1007  
North Orange Street, Wilmington, Delaware, on Friday,  
July 14, 2006, at 10:36 a.m., before Lorraine B.  
Marino, Registered Diplomate Reporter and Notary  
Public.  
  
- - -

CORBETT & WILCOX

230 North Market Street

Wilmington, Delaware 19801

(302) 571-0510

Corbett & Wilcox

2 (Pages 2 to 5)

Page 2

## 1 APPEARANCES:

2 MARK W. KOTILA, ESQ.  
 3 JEFFREY L. PHILLIPS, ESQ.  
 4 United States Department of Justice  
 Environmental Crimes Section  
 P.O. Box 23985 - L'Enfant Plaza  
 5 Washington, DC 20026-3985  
 for Plaintiff  
 6 GEORGE M. CHALOS, ESQ.  
 7 Fowler Rodriguez & Chalos  
 366 Main Street  
 8 Port Washington, NY 11050  
 for Defendants Chian Spirit and  
 Venetico Marine  
 9  
 10 CARL R. WOODWARD, III, ESQ.  
 Carella, Byrne, Bain, Gilfillan,  
 Cecchi, Stewart & Olstein  
 11 5 Becker Farm Road  
 Roseland, NJ 07068-1739  
 for Defendant Dragomir  
 12 MICHAEL K. TWERSKY, ESQ.  
 13 Montgomery, McCracken, Walker &  
 Rhoads LLP  
 14 123 South Broad Street  
 Philadelphia, PA 19109  
 for the Witness

## 16 ALSO PRESENT:

17 ADRIEN DRAGOMIR  
 18 LIVIU-LEE ROTH  
 19 TRACY I. KATZ  
 JASON F BURGESS  
 20 BRENT S. MCKNIGHT  
 MICHELLE N. FERRERI  
 21 CARA GOELLER  
 22 PRESTON SATCHELL  
 23 ---  
 24

Page 3

1 NADIA SHARON, having been first duly  
 2 sworn as the interpreter, translated as follows:  
 3 PAUL TUDOR, having been first duly  
 4 sworn, was examined and testified at times through the  
 5 interpreter as follows:

## 6 DIRECT EXAMINATION

7 BY MR. KOTILA:

8 Q. Good morning, Mr. Tudor.  
 9 A. Good morning.  
 10 Q. My name is Mark Kotila, and I am with  
 11 the United States Department of Justice. And we have  
 12 met several times in the past; correct?  
 13 A. (without interpreter) Yes.  
 14 Q. We have interviewed you. You  
 15 testified at a prior proceeding; correct?  
 16 A. (without interpreter) Yes.  
 17 Q. Could you tell us where -- how long  
 18 have you been in the United States now?  
 19 (Discussion between witness and  
 20 interpreter.)

21 MR. CHALOS: One second. I would like  
 22 to make an objection. Mr. Tudor, Mr. Tudor, one  
 23 second.

24 To madam interpreter, your

Page 4

1 responsibility today is to just interpret what he  
 2 says, not to discuss the questions, not to discuss  
 3 what you think or interpret the questions to be. It  
 4 is just whatever he says, you tell us, and whatever  
 5 the questioner said, you tell him.

6 THE INTERPRETER: My question is if  
 7 you calculate the time from January 5 till -- from  
 8 December 5 until January 3.

9 THE WITNESS: (without interpreter) If  
 10 I count -- sorry. I count the period which I been  
 11 with the ship --

12 MR. KOTILA: Hold on. You probably  
 13 have to speak through the interpreter so we are  
 14 consistent.

15 THE WITNESS: Do I have to count the  
 16 period that I was in anchor, from December 5 through  
 17 January?

18 BY MR. KOTILA:

19 Q. Correct. I am just saying from  
 20 December 5 to now you have been in the United States;  
 21 correct?

22 A. (without interpreter) Yes.

23 Q. Now, where are you from?

24 A. (without interpreter) I am from

Page 5

1 Romania.

2 Q. And how old are you?

3 A. (without interpreter) Forty-six.

4 Q. Could you tell us where you live in  
 5 Romania?

6 A. Medgidia, M-E-G-I-D-E-A.

7 Q. Do you have an address there?

8 A. Yes.

9 Q. What is it?

10 A. Podgorilor -- P-O-D-G-O-R-I-L-O-R --

11 Street. The number of the street is 30. 30

12 Podgorilor.

13 Q. Could you tell us what is your  
 14 occupation?

15 A. I am an electrician.

16 Q. How long have you been an electrician?

17 A. (without interpreter) More than 27.

18 Q. Twenty-seven years?

19 A. Yes.

20 Q. How much education have you had?

21 A. Altogether, because I have other  
 22 studies, I have other things studied.

23 Q. But how many years in school?

24 A. Over 18 years.

| Page 6  | Page 8  |
|---|---|
| <p>1 Q. How did you learn to be an<br/>2 electrician?<br/>3 A. I learned in school.<br/>4 Q. How long did you go to school?<br/>5 A. Four years.<br/>6 Q. Four years. Now, as an electrician,<br/>7 what kind of businesses have you worked in?<br/>8 A. Only on the sea.<br/>9 Q. Only on vessels?<br/>10 A. Yes. A period of time also in the<br/>11 army, but also in the same domain.<br/>12 Q. Which army?<br/>13 A. (without interpreter) Navy.<br/>14 Q. Romanian Navy?<br/>15 A. (without interpreter) Yes.<br/>16 Q. What kind of work have you done in<br/>17 vessels generally?<br/>18 A. Maintenance and repairs.<br/>19 Q. All electrical maintenance and<br/>20 repairs?<br/>21 A. Yes.<br/>22 Q. And have you worked with oily water<br/>23 separators?<br/>24 A. I didn't function. I didn't work</p> | <p>1 MR. CHALOS: Objection.<br/>2 THE WITNESS: Yes.<br/>3 BY MR. KOTILA:<br/>4 Q. Have you ever made repairs to oily<br/>5 water separators?<br/>6 A. I am not able to do it.<br/>7 Q. So what, if any, work did you do on<br/>8 oily water separators?<br/>9 MR. CHALOS: Objection; asked and<br/>10 answered.<br/>11 MR. KOTILA: You can answer.<br/>12 THE WITNESS: I secure the part that<br/>13 function in the electrical domain. There I repair and<br/>14 maintain. But there is an electronic part of it that<br/>15 I don't have the permission to go to.<br/>16 BY MR. KOTILA:<br/>17 Q. Okay. So there is an electrical part<br/>18 of an oily water separator and an electronics part?<br/>19 A. Yes, sir. Yes.<br/>20 Q. Now, what is the part affiliated with<br/>21 the electrical part? Tell us what you are talking<br/>22 about.<br/>23 A. They are pumps. They are the electric<br/>24 panel, that they have a contact with them, relays, all</p> |
| Page 7  | Page 9  |
| <p>1 effectively with it.<br/>2 Q. What does that mean?<br/>3 A. I wasn't the person to function the<br/>4 separator.<br/>5 Q. So you are not skilled with the<br/>6 separator?<br/>7 A. I have experience, but I didn't<br/>8 operate this.<br/>9 Q. All right. You did not operate them?<br/>10 A. Yes.<br/>11 Q. But you know how they work?<br/>12 A. Yes.<br/>13 Q. What do oily water separators do?<br/>14 MR. CHALOS: Objection. There is no<br/>15 foundation. The guy said he doesn't work with it. I<br/>16 am not going to give you speaking objections, but<br/>17 noted for the record.<br/>18 BY MR. KOTILA:<br/>19 Q. You are familiar with oily water<br/>20 separators?<br/>21 A. Yes.<br/>22 Q. You have not operated them; correct?<br/>23 A. Correct.<br/>24 Q. But you have worked on them?</p> | <p>1 the buttons, all the interruptors, all the commutators,<br/>2 all kinds of electric bobbins. They are<br/>3 electromagnetic valves.<br/>4 Q. So those kind of times you did --<br/>5 A. (without interpreter) Solenoid valves.<br/>6 Q. How do you spell that?<br/>7 A. Solenoid valves.<br/>8 THE INTERPRETER: Solenoid.<br/>9 MR. WOODWARD: S-O-L-E-N-O-I-D,<br/>10 solenoid.<br/>11 BY MR. KOTILA:<br/>12 Q. Okay. That part of the oily water<br/>13 separator you were able to work with?<br/>14 A. Yes.<br/>15 Q. Repairs made?<br/>16 A. Yes.<br/>17 Q. Many times?<br/>18 A. Whenever was the necessity.<br/>19 Q. What --<br/>20 A. In other vessels, yes.<br/>21 Q. Now, what are you referring to as the<br/>22 electronics part of an oily water separator?<br/>23 A. The analyzer.<br/>24 Q. Is this also known as the sensor?</p>  |



4 (Pages 10 to 13)

| Page 10   | Page 12   |
|---|---|
| <p>1 A. Yes. It is the same thing.</p> <p>2 Q. Now, that part of the separator you</p> <p>3 did not ever work on, on any sensor?</p> <p>4 A. No, because it is not possible to be</p> <p>5 repaired.</p> <p>6 Q. Okay. If it is broke?</p> <p>7 A. It has to be replaced.</p> <p>8 Q. Okay.</p> <p>9 A. It is unrepairable.</p> <p>10 Q. Okay. When did you board the vessel</p> <p>11 the Irene?</p> <p>12 A. 24 May.</p> <p>13 Q. May 24?</p> <p>14 A. 2005.</p> <p>15 Q. How is it that you got that job?</p> <p>16 A. I took it from the former electrician,</p> <p>17 but the period was a short period, around four to five</p> <p>18 hours. And I took over only the important parts that</p> <p>19 were important for the vessel.</p> <p>20 Q. Okay. Well, let's back up. Where</p> <p>21 were you living in May of 2005?</p> <p>22 A. I don't understand the question.</p> <p>23 Q. You boarded the Irene in May 2005.</p> <p>24 A. Yes.</p> | <p>1 A. The first person was guardian.</p> <p>2 Q. Who?</p> <p>3 A. (without interpreter) No. Watchman.</p> <p>4 THE INTERPRETER: The watchman.</p> <p>5 THE WITNESS: (without interpreter)</p> <p>6 The gangway watchman.</p> <p>7 BY MR. KOTILA:</p> <p>8 Q. Who was to be your supervisor on board</p> <p>9 the Irene?</p> <p>10 A. The second mechanic, which was the</p> <p>11 chief mechanic.</p> <p>12 Q. Is that also the same as the chief</p> <p>13 engineer?</p> <p>14 A. Yes. Second engineer and chief</p> <p>15 engineer are my supervisors on board.</p> <p>16 Q. Immediate supervisors?</p> <p>17 A. Yes.</p> <p>18 Q. So the chief engineer and the second</p> <p>19 engineer give you your jobs --</p> <p>20 A. Yes.</p> <p>21 Q. -- and you do them?</p> <p>22 What was the name of the chief</p> <p>23 engineer when you boarded the vessel?</p> <p>24 A. Tomondong Bautista Gene.</p>  |
| Page 11   | Page 13   |
| <p>1 Q. Where were you prior to boarding the</p> <p>2 Irene?</p> <p>3 A. In my town, Medgidia.</p> <p>4 Q. How were you contacted to get the job?</p> <p>5 MR. CHALOS: Objection. No foundation</p> <p>6 he was ever contacted.</p> <p>7 BY MR. KOTILA:</p> <p>8 Q. Well, how is it that you get on board</p> <p>9 the vessel?</p> <p>10 A. Through my agent, the firm of the</p> <p>11 crewing agency.</p> <p>12 Q. They contacted you in Romania?</p> <p>13 A. Yes.</p> <p>14 MR. CHALOS: Objection.</p> <p>15 BY MR. KOTILA:</p> <p>16 Q. Okay. Where did you meet with the</p> <p>17 boat in May of '05, the boat being Irene?</p> <p>18 A. I met with them at the agency.</p> <p>19 Q. Where was the Irene at the time?</p> <p>20 A. In Poland.</p> <p>21 Q. So you boarded the vessel in Poland?</p> <p>22 A. Yes.</p> <p>23 Q. Who did you meet with once you got on</p> <p>24 board the Irene? Who?</p>                                       | <p>1 Q. Okay. Did you take a look at the oily</p> <p>2 water separator when you boarded the vessel in May of</p> <p>3 '05?</p> <p>4 A. Yes. I looked at the separator along</p> <p>5 with the electrician that I took the job from.</p> <p>6 Q. What was the name of that electrician?</p> <p>7 A. Aurelian, A-U-R-E-L-I-A-N. I am not</p> <p>8 sure of the second name.</p> <p>9 (without interpreter) Family name, I</p> <p>10 am not remember.</p> <p>11 (through interpreter) It might be</p> <p>12 Hotoran, H-O-T-O-R-A-N. I am not sure.</p> <p>13 Q. All right. You are not sure. You</p> <p>14 don't remember.</p> <p>15 What was the condition of the oily</p> <p>16 water separator?</p> <p>17 MR. CHALOS: Objection.</p> <p>18 BY MR. KOTILA:</p> <p>19 Q. You looked at the oily water</p> <p>20 separator?</p> <p>21 A. Yes.</p> <p>22 Q. What parts did you look at?</p> <p>23 A. (without interpreter) Everything</p> <p>24 function. I start all in function.</p> |

| Page 14  | Page 16   |
|--|---|
| <p>1 (through interpreter) I looked at all</p> <p>2 parts.</p> <p>3 Q. All parts. What was the condition of</p> <p>4 the oily water separator?</p> <p>5 A. I was told that it is not functioning</p> <p>6 a long time.</p> <p>7 Q. By who?</p> <p>8 A. The former electrician that I took</p> <p>9 over the job.</p> <p>10 Q. Now, you looked at the parts or did</p> <p>11 you do any testing at that time?</p> <p>12 A. Yes.</p> <p>13 Q. What did you do?</p> <p>14 A. I put it in function. I regulated</p> <p>15 to -- (witout interpreter) Adjusted.</p> <p>16 (through interpreter) I adjusted to</p> <p>17 the zero number.</p> <p>18 Q. Okay. What happened?</p> <p>19 A. It gave a false alarm in the sense</p> <p>20 that the indicator of ppm didn't hold at the same</p> <p>21 value with the clean water. I cannot say the value</p> <p>22 that was there, the number that was there.</p> <p>23 Q. Do you mean the ppm?</p> <p>24 A. The ppm, yes.</p> | <p>1 tanks with zero ppm and 15 ppm to compare, for</p> <p>2 comparison.</p> <p>3 Q. Ppm stands for what?</p> <p>4 A. Pp, particular. Million -- I am a</p> <p>5 little emotional so I cannot remember, but --</p> <p>6 Q. Mr. Tudor, just relax. Take it easy.</p> <p>7 A. It is the value of water of the</p> <p>8 particular of a million to explain.</p> <p>9 Q. Okay. You were saying how would you</p> <p>10 test it again?</p> <p>11 A. I adjust it to zero.</p> <p>12 Q. Adjust what? Adjust what?</p> <p>13 A. The analyzer, the sensor.</p> <p>14 Q. Okay.</p> <p>15 A. I put water to zero and have to give</p> <p>16 me the zero result. Empty it, place water to 15. It</p> <p>17 has to give me the 15 ppm. This happened at other</p> <p>18 vessels.</p> <p>19 Q. And that's how you is the word</p> <p>20 "calibrate" the oily water separator?</p> <p>21 A. Yes.</p> <p>22 MR. CHALOS: Objection.</p> <p>23 BY MR. KOTILA:</p> <p>24 Q. Did you do this test on the Irene?</p> |
| Page 15  | Page 17   |
| <p>1 Q. So you are putting plain water in?</p> <p>2 A. Yes. About three times I did put in</p> <p>3 water.</p> <p>4 Q. And if the oily water separator is</p> <p>5 working properly, what should happen?</p> <p>6 MR. CHALOS: Objection.</p> <p>7 MR. WOODWARD: No foundation.</p> <p>8 MR. CHALOS: No foundation.</p> <p>9 BY MR. KOTILA:</p> <p>10 Q. You have tested oily water separators</p> <p>11 before?</p> <p>12 MR. CHALOS: Objection.</p> <p>13 BY MR. KOTILA:</p> <p>14 Q. Did you? I believe you already</p> <p>15 testified that you are familiar with oily water</p> <p>16 separators.</p> <p>17 A. Yes.</p> <p>18 Q. How do you test them?</p> <p>19 MR. CHALOS: Objection. Are you</p> <p>20 asking him for a hypothetical?</p> <p>21 MR. KOTILA: No.</p> <p>22 BY MR. KOTILA:</p> <p>23 Q. How have you tested them in the past?</p> <p>24 A. In the past on other vessels I had</p>   | <p>1 A. No, no, because I didn't have the</p> <p>2 water containers.</p> <p>3 Q. I might be wrong, but I thought you</p> <p>4 said --</p> <p>5 A. I didn't.</p> <p>6 Q. -- you tested three times with water.</p> <p>7 A. Oh, with the mineral water from a</p> <p>8 bottle.</p> <p>9 Q. All right. So you did test it?</p> <p>10 A. Yes.</p> <p>11 Q. And this is back in May of '05?</p> <p>12 A. Yes, together with the previous</p> <p>13 electrician.</p> <p>14 Q. And tell us what were the results</p> <p>15 again.</p> <p>16 A. False, false results mean that they</p> <p>17 were never the same results.</p> <p>18 Q. What does that mean?</p> <p>19 A. The analyzer didn't work. It was an</p> <p>20 electronic problem that I don't recognize it. I don't</p> <p>21 know.</p> <p>22 Q. The electronic part that you are not</p> <p>23 familiar with?</p> <p>24 A. Yes.</p>  |

6 (Pages 18 to 21)

| Page 18  | Page 20  |
|--|--|
| <p>1 Q. It was not working?</p> <p>2 A. Yes.</p> <p>3 Q. When you discovered the oily water</p> <p>4 separator was not working, who did you tell?</p> <p>5 MR. CHALOS: Objection. He never</p> <p>6 testified the oily water separator wasn't working. He</p> <p>7 said the sensor wasn't working.</p> <p>8 MR. KOTILA: Let me correct the</p> <p>9 question.</p> <p>10 BY MR. KOTILA:</p> <p>11 Q. When you discovered the oily water</p> <p>12 sensor was not working, who did you tell, if anybody?</p> <p>13 MR. WOODWARD: Objection.</p> <p>14 THE WITNESS: I did tell to the chief</p> <p>15 mechanic.</p> <p>16 BY MR. KOTILA:</p> <p>17 Q. Tomondong?</p> <p>18 A. Yes.</p> <p>19 Q. Tomondong?</p> <p>20 A. Yes.</p> <p>21 Q. Let's go now to about October of '05.</p> <p>22 Did a new chief engineer come on board?</p> <p>23 A. Yes.</p> <p>24 Q. Who?</p> | <p>1 A. I repeat the same test that I did two</p> <p>2 times before.</p> <p>3 Q. What were the results?</p> <p>4 A. Same.</p> <p>5 Q. So what did you do? Let's slow it</p> <p>6 down. Did you have -- walk us through it. What did</p> <p>7 you do?</p> <p>8 A. At the moment, at the moment that we</p> <p>9 got the new equipment -- oh. At the moment that the</p> <p>10 new crew member came on the vessel, the Filipino</p> <p>11 person who came to the machine, to the engine</p> <p>12 department --</p> <p>13 Q. The second engineer?</p> <p>14 A. Yes, he was the second engineer.</p> <p>15 Q. Mr. Villano?</p> <p>16 A. Yes.</p> <p>17 Q. Okay.</p> <p>18 A. He had to get familiarized with all</p> <p>19 the installation in the vessels; right?</p> <p>20 When the time came that he had to the</p> <p>21 person to get familiarized also the separators in the</p> <p>22 vessel, I was part of everything that happened there.</p> <p>23 I assisted him. I participated. I explained them the</p> <p>24 electrician part of the functioning of this part of</p> |
| Page 19  | Page 21  |
| <p>1 A. Adrien Dragomir.</p> <p>2 Q. Do you see him in this room today?</p> <p>3 A. Yes.</p> <p>4 Q. And could you point him out?</p> <p>5 A. Yes, third man from here.</p> <p>6 Q. In the jean vest, gray hair?</p> <p>7 A. Yes.</p> <p>8 Q. Beard?</p> <p>9 A. He is there (indicating).</p> <p>10 MR. KOTILA: Let the record reflect</p> <p>11 that the witness has identified the chief engineer,</p> <p>12 Mr. Dragomir.</p> <p>13 BY MR. KOTILA:</p> <p>14 Q. Did you test the oily water separator</p> <p>15 again when the chief engineer was on board,</p> <p>16 Mr. Dragomir?</p> <p>17 A. Not then. Later.</p> <p>18 Q. When?</p> <p>19 A. In November 25.</p> <p>20 Q. What did you do that day?</p> <p>21 A. The same thing that I did previous</p> <p>22 three times.</p> <p>23 Q. Tell us again, what did you do in</p> <p>24 November of '05?</p>      | <p>1 the vessel.</p> <p>2 Q. What did you tell him?</p> <p>3 A. How do we start the pump, the function</p> <p>4 that they have, either automatically or manually.</p> <p>5 Q. This is all on the oily water</p> <p>6 separator?</p> <p>7 A. Yes. Yes, only on the separator.</p> <p>8 Q. Did you test the system again?</p> <p>9 A. Not then. This happened earlier. On</p> <p>10 the 25th I received an order from the chief mechanic</p> <p>11 to test it.</p> <p>12 Q. The chief mechanic, meaning</p> <p>13 Mr. Dragomir?</p> <p>14 A. Yes.</p> <p>15 Q. When you say chief mechanic, that is</p> <p>16 also chief engineer?</p> <p>17 A. Chief engineer.</p> <p>18 Q. Okay. He ordered you to test it?</p> <p>19 A. Yes.</p> <p>20 Q. When?</p> <p>21 A. The 24th or the 25th.</p> <p>22 Q. And you tested it with the second</p> <p>23 engineer?</p> <p>24 A. Yes. What I said prior, it was that</p>  |

| Page 22   | Page 24   |
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| <p>1 the second engineer get familiarized, but we didn't<br/>2 test it then.<br/>3 Q. I know. But when you did test it --<br/>4 A. On the 25th I tested. It was there<br/>5 the second mechanic participated, the fourth mechanic,<br/>6 and two or three other motorists, oilers that I don't<br/>7 recall their names.<br/>8 Q. What were the results of the testing?<br/>9 MR. CHALOS: Objection.<br/>10 THE WITNESS: Same as before.<br/>11 BY MR. KOTILA:<br/>12 Q. Which is what?<br/>13 A. It was a defect in the sensor, in the<br/>14 analyzer.<br/>15 Q. So it didn't work?<br/>16 A. No.<br/>17 MR. CHALOS: Objection.<br/>18 MR. WOODWARD: Objection; leading.<br/>19 BY MR. KOTILA:<br/>20 Q. What was the condition of the machine?<br/>21 Was it old, new, rusty?<br/>22 MR. CHALOS: Objection.<br/>23 BY MR. KOTILA:<br/>24 Q. What was the condition of the oily</p> | <p>1 Q. No. After you were done, did you tell<br/>2 the chief engineer?<br/>3 MR. WOODWARD: Objection; leading.<br/>4 BY MR. KOTILA:<br/>5 Q. Who, if anyone, did you speak to after<br/>6 you tested it?<br/>7 A. I didn't -- we didn't have to say<br/>8 anything because everyone was there.<br/>9 Q. The chief engineer was there?<br/>10 A. Yes. Yes. I considered I didn't have<br/>11 to say to no one because everyone was there.<br/>12 Q. Including Mr. Dragomir?<br/>13 A. Yes.<br/>14 Q. Was there any point in time that you<br/>15 requested parts for the oily water separator to repair<br/>16 the electrical side?<br/>17 A. No. I asked for a technician.<br/>18 Q. You asked for a technician?<br/>19 A. Yes.<br/>20 Q. To repair what?<br/>21 A. To come and repair the oil separator.<br/>22 Q. How many times did you request a<br/>23 technician?<br/>24 A. I reported to my chief. It wasn't in</p> |
| Page 23   | Page 25   |
| <p>1 water separator?<br/>2 MR. WOODWARD: Objection. He is not<br/>3 qualified as an expert to testify as to the condition<br/>4 of the machine.<br/>5 BY MR. KOTILA:<br/>6 Q. You are looking at a machine. What<br/>7 does it look like?<br/>8 A. I never saw it functioning, so I<br/>9 cannot say.<br/>10 Q. It was never functioning?<br/>11 MR. CHALOS: Objection.<br/>12 MR. WOODWARD: Objection.<br/>13 THE WITNESS: I never saw it<br/>14 functioning.<br/>15 BY MR. KOTILA:<br/>16 Q. What did it look like on the outside?<br/>17 Did it look new; what?<br/>18 A. It was rusted.<br/>19 MR. WOODWARD: I am sorry?<br/>20 THE INTERPRETER: Rusted.<br/>21 BY MR. KOTILA:<br/>22 Q. When you tested it with the second<br/>23 engineer and the others --<br/>24 A. On the 25th.</p>   | <p>1 my capacity, you know, to say to the company. I just<br/>2 reported to my higher chief.<br/>3 Q. Who would that be?<br/>4 A. Mr. Tomondong.<br/>5 Q. Did you ever report that to<br/>6 Mr. Dragomir?<br/>7 A. When Mr. Dragomir came aboard, he<br/>8 received the report from his preceding chief mechanic.<br/>9 I was asked and I confirmed.<br/>10 Q. Did you ever have any further<br/>11 discussions with this chief engineer about the oily<br/>12 water separator?<br/>13 A. Yes, when I heard that we need to come<br/>14 to America.<br/>15 Q. What did you talk about?<br/>16 A. He was very scared at what may happen.<br/>17 Q. What did he say to you?<br/>18 A. That the way the machine looks and it<br/>19 is -- and it will be a problem.<br/>20 Q. The chief engineer says this?<br/>21 A. Yes.<br/>22 Q. Why would there be a problem? Did he<br/>23 say?<br/>24 MR. CHALOS: Objection.</p>        |



8 (Pages 26 to 29)

| Page 26   | Page 28   |
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| <p>1 THE WITNESS: No. No. He was scared.<br/>2 This was the only manifestation.<br/>3 BY MR. KOTILA:<br/>4 Q. What do you mean by that?<br/>5 A. I mean he just -- the way he showed,<br/>6 he is scared.<br/>7 Q. Scared about what?<br/>8 MR. WOODWARD: I am going to object.<br/>9 This calls for speculation.<br/>10 BY MR. KOTILA:<br/>11 Q. What I want you to do, the best you<br/>12 can, is tell us your discussions with the chief<br/>13 engineer, to the best of your memory, what he said<br/>14 about being scared, if anything.<br/>15 A. The only discussion that we had, that<br/>16 he said that we coming to America and we have problems<br/>17 and he is scared that he knows that we are coming to<br/>18 America and we have problems on the vessel. This is<br/>19 the only discussion I had with him.<br/>20 Q. Did he say problems with what?<br/>21 MR. WOODWARD: Objection; leading.<br/>22 MR. CHALOS: Leading.<br/>23 BY MR. KOTILA:<br/>24 Q. What problems, if any, did he discuss?</p> | <p>1 Q. Of July?<br/>2 A. In July.<br/>3 Q. Why just fix the alarm?<br/>4 A. Because the bell that helped serve the<br/>5 separator served also other objects in the vessels.<br/>6 Q. I don't understand then.<br/>7 A. It was a bell that served more, many<br/>8 other alarms in the vessel.<br/>9 Q. This was a bell on the oily water<br/>10 separator?<br/>11 A. Yes.<br/>12 Q. And you repaired that?<br/>13 A. (without interpreter) Yes. But that<br/>14 bell to serve also the burner boiler and expansion<br/>15 tanks, the supply pumps from burner boiler. It was<br/>16 many, many others which give alarm to this bell.<br/>17 Q. This one alarm?<br/>18 A. Yes.<br/>19 Q. It served all these functions?<br/>20 A. (without interpreter) Yes. Not all.<br/>21 Parts of them.<br/>22 Q. But it is on the oily water separator,<br/>23 this bell?<br/>24 A. (without interpreter) Yes.</p>                              |
| Page 27   | Page 29   |
| <p>1 A. In reference to what? From my part<br/>2 was the electrician part that I had problems.<br/>3 Q. With the oily water separator?<br/>4 A. The electrical part. Yes.<br/>5 Q. Was there any part of the oily water<br/>6 separator that you repaired?<br/>7 A. Yes. Yes, the alarm.<br/>8 Q. Now, what part of the oily water<br/>9 separator is the alarm? Is it the electrical part you<br/>10 already discussed?<br/>11 A. Electrical part.<br/>12 Q. Why did you fix the alarm?<br/>13 A. Yes.<br/>14 Q. Did it work?<br/>15 A. Yes.<br/>16 Q. When did you fix it?<br/>17 A. After first -- I tested more in May.<br/>18 July 1, this is when I detected that the alarm is<br/>19 defective, so --<br/>20 Q. In July?<br/>21 A. In July.<br/>22 Q. When did you fix it?<br/>23 A. The second or the third day is when I<br/>24 fixed it.</p>  | <p>1 (through interpreter) The bell served<br/>2 the many other alarms in the vessels.<br/>3 Q. Right. But also the oily water<br/>4 separator?<br/>5 A. (withouth interpreter) Yes.<br/>6 Q. For the oily water separator, why only<br/>7 fix the alarm for that?<br/>8 A. It was necessary because the wire was<br/>9 not in place there, so I had to fix it.<br/>10 Q. When you come to ports, would anybody<br/>11 test the oily water separator alarm --<br/>12 MR. WOODWARD: Objection.<br/>13 MR. KOTILA: -- in the port control?<br/>14 Were you familiar --<br/>15 MR. WOODWARD: Objection.<br/>16 THE WITNESS: I didn't understand the<br/>17 question.<br/>18 BY MR. KOTILA:<br/>19 Q. When you get to a port, have you ever<br/>20 seen --<br/>21 A. (without interpreter) Here in the<br/>22 United States?<br/>23 Q. Here, here in the United States,<br/>24 anybody test an oily water separator, any authorities,</p> |

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| <p style="text-align: right;">Page 30</p> <p>1 before?</p> <p>2 A. The Coast Guard.</p> <p>3 Q. What do they test? What have you seen</p> <p>4 them test?</p> <p>5 MR. CHALOS: Objection. When?</p> <p>6 THE WITNESS: I wasn't there.</p> <p>7 BY MR. KOTILA:</p> <p>8 Q. Oh, okay. Not in this case?</p> <p>9 A. Yes.</p> <p>10 Q. In other cases?</p> <p>11 MR. KOTILA: Give me a minute, guys.</p> <p>12 THE WITNESS: The first time the Coast</p> <p>13 Guard came in, I wasn't there. The second time I was</p> <p>14 there when they came, the Coast Guard.</p> <p>15 BY MR. KOTILA:</p> <p>16 Q. In the United States?</p> <p>17 A. Yes. Check it two times, but the</p> <p>18 first time I don't be there. The second time.</p> <p>19 Q. Was it working when they tested it?</p> <p>20 A. No.</p> <p>21 Q. What was wrong with it?</p> <p>22 MR. CHALOS: Objection.</p> <p>23 THE WITNESS: The same thing.</p> <p>24</p>  | <p style="text-align: right;">Page 32</p> <p>1 A. If the technician will came on the</p> <p>2 vessel, he will came with everything.</p> <p>3 Q. Why did you request a technician?</p> <p>4 A. Because it was a problem that wasn't</p> <p>5 to my capacity, capability.</p> <p>6 Q. And how often did you request a</p> <p>7 technician?</p> <p>8 MR. CHALOS: Objection.</p> <p>9 MR. KOTILA: Answer the question.</p> <p>10 THE WITNESS: I asked for one time</p> <p>11 from the -- to Mr. Tomondong.</p> <p>12 BY MR. KOTILA:</p> <p>13 Q. How about Mr. Dragomir?</p> <p>14 A. It wasn't necessary because another</p> <p>15 person from the company part will do this. It was</p> <p>16 another person was aboard to do this.</p> <p>17 Q. Who?</p> <p>18 A. A person from the company. I don't</p> <p>19 know his name.</p> <p>20 Q. Did you ever work with the second --</p> <p>21 you said you worked with the second engineer on the</p> <p>22 oily water separator; correct?</p> <p>23 A. Yes.</p> <p>24 MR. CHALOS: Objection.</p> |
| <p style="text-align: right;">Page 31</p> <p>1 BY MR. KOTILA:</p> <p>2 Q. The same thing you tested?</p> <p>3 A. Yes.</p> <p>4 Q. I asked you about spare parts that you</p> <p>5 would request to do your job; right?</p> <p>6 A. Yes.</p> <p>7 Q. Did you ever make any requests --</p> <p>8 A. Yes.</p> <p>9 Q. -- of your company -- of who? Who</p> <p>10 would you make the request to?</p> <p>11 A. I made the list and I gave it to --</p> <p>12 three times I made lists and I gave it to the chief</p> <p>13 mechanic, chief engineer.</p> <p>14 Q. What kind of information was on the</p> <p>15 list? What kind of parts?</p> <p>16 A. For maintenance and repair.</p> <p>17 Q. When was this?</p> <p>18 A. I don't recall. It was in three</p> <p>19 different periods in every port and before each time</p> <p>20 we get to a port.</p> <p>21 Q. Did you ever ask for any parts for the</p> <p>22 oily water separator?</p> <p>23 A. No. I ask only for a technician.</p> <p>24 Q. Even for the electrical part?</p> | <p style="text-align: right;">Page 33</p> <p>1 BY MR. KOTILA:</p> <p>2 Q. Well, did you ever work with him on</p> <p>3 the oily water separator?</p> <p>4 MR. CHALOS: Objection. What does</p> <p>5 "work" mean?</p> <p>6 THE WITNESS: No.</p> <p>7 BY MR. KOTILA:</p> <p>8 Q. Only testing it?</p> <p>9 A. Yes.</p> <p>10 Q. And at that time did you -- and this</p> <p>11 was when? In October. No, November.</p> <p>12 A. Yes.</p> <p>13 Q. Did you repair the bell at that time</p> <p>14 on the oily water separator?</p> <p>15 A. No. This was in July.</p> <p>16 Q. Back when you boarded the vessel back</p> <p>17 in May of 2005 and you met with Tomondong; right</p> <p>18 MR. CHALOS: Objection.</p> <p>19 BY MR. KOTILA:</p> <p>20 Q. -- who else from the company was on</p> <p>21 board the vessel?</p> <p>22 MR. CHALOS: Objection.</p> <p>23 MR. KOTILA: You can answer the</p> <p>24 question.</p>  |

10 (Pages 34 to 37)

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| <p>1 THE WITNESS: It was the DPA.</p> <p>2 BY MR. KOTILA:</p> <p>3 Q. A what?</p> <p>4 A. DPA.</p> <p>5 Q. What does DPA stand for?</p> <p>6 A. Pitaolis, Mr. Pitaolis.</p> <p>7 Q. Who is he; do you know?</p> <p>8 A. (without interpreter) Yes. He is the</p> <p>9 DPA. The designated person ashore.</p> <p>10 Q. For the company?</p> <p>11 A. For the company.</p> <p>12 Q. Were the owners ever on board?</p> <p>13 A. Yes.</p> <p>14 Q. Were they present when you spoke about</p> <p>15 the oily water separator with Tomondong?</p> <p>16 A. No. This was in Poland. I never</p> <p>17 spoke -- then I didn't spoke with no one about the</p> <p>18 separator.</p> <p>19 (Recess taken.)</p> <p>20 BY MR. KOTILA:</p> <p>21 Q. Mr. Tudor, we are just about finished,</p> <p>22 and I just want to ask you again what -- we spoke a</p> <p>23 lot about the oily water separator. What other items</p> <p>24 on the ship did you work on that needed repair or</p>   | <p>1 BY MR. KOTILA:</p> <p>2 Q. And you never received a response?</p> <p>3 A. No.</p> <p>4 MR. KOTILA: Well, fellows, I think I</p> <p>5 am -- hold on.</p> <p>6 Thank you very much.</p> <p>7 THE WITNESS: (without interpreter)</p> <p>8 You are welcome.</p> <p>9 (Recess taken.)</p> <p>10 (CSME Deposition Exhibit Nos. 1</p> <p>11 through 7 were marked for identification.)</p> <p>12 CROSS-EXAMINATION</p> <p>13 BY MR. CHALOS:</p> <p>14 Q. Good morning, Mr. Tudor.</p> <p>15 A. (without interpreter) Good morning.</p> <p>16 Q. My name is George Chalos, and I</p> <p>17 represent the owner of the ship, Venetico Marine, and</p> <p>18 the managers of the ship, Chian Spirit Maritime</p> <p>19 Enterprises. And I would like to just ask you a few</p> <p>20 questions about your personal background and then get</p> <p>21 into your experience on board the Irene. Okay?</p> <p>22 Now, earlier today Mr. Kotila, on</p> <p>23 behalf of the government, asked you some questions</p> <p>24 about what your job is. Did I understand correctly</p> |
| Page 35  | Page 37  |
| <p>1 parts?</p> <p>2 MR. CHALOS: Objection; foundation.</p> <p>3 THE WITNESS: I had a problem that we</p> <p>4 came to the United States and they didn't resolve it</p> <p>5 until we came to The States. It was the outlet, the</p> <p>6 outlets on the deck.</p> <p>7 BY MR. KOTILA:</p> <p>8 Q. And what was the problem with the</p> <p>9 outlets on the deck?</p> <p>10 A. They were either burned or rusted,</p> <p>11 rusty. They didn't have covers.</p> <p>12 Q. Had you ever requested parts for</p> <p>13 various pieces of machinery or equipment?</p> <p>14 MR. CHALOS: Objection; relevance.</p> <p>15 THE WITNESS: For outlets I made the</p> <p>16 request separate.</p> <p>17 BY MR. KOTILA:</p> <p>18 Q. Did you receive any?</p> <p>19 A. No.</p> <p>20 MR. CHALOS: Objection; relevance.</p> <p>21 BY MR. KOTILA:</p> <p>22 Q. Who did you make the request to?</p> <p>23 MR. CHALOS: Objection; relevance.</p> <p>24 THE WITNESS: The chief mechanic.</p> | <p>1 that you are a trained electrician?</p> <p>2 A. Yes.</p> <p>3 Q. And to become an electrician, you</p> <p>4 attended special training schools?</p> <p>5 A. Yes.</p> <p>6 Q. And you hold a license that allows you</p> <p>7 to work as an electrician; correct?</p> <p>8 A. Yes.</p> <p>9 Q. And that's a license that you have to</p> <p>10 qualify for by training and experience; correct?</p> <p>11 A. Yes.</p> <p>12 Q. Now, you are not a marine engineer by</p> <p>13 training, are you?</p> <p>14 A. No.</p> <p>15 Q. Okay. Just so the record is clear,</p> <p>16 you are not a marine engineer by training, are you?</p> <p>17 A. No, as an engineer, no.</p> <p>18 Q. And you don't have any experience</p> <p>19 sailing on board ships as an engineer, do you?</p> <p>20 A. Of course not.</p> <p>21 Q. Okay. So it is fair to say that you</p> <p>22 as an electrician on board a ship would have a</p> <p>23 completely different job than that of an engineer;</p> <p>24 correct?</p>   |

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| <p>1 A. Of course. Of course.</p> <p>2 Q. I am sorry. Can you say your answer</p> <p>3 again?</p> <p>4 A. Yes.</p> <p>5 Q. Okay. Thank you. Now, tell me, you</p> <p>6 can speak basic English; correct?</p> <p>7 A. Yes.</p> <p>8 Q. But English is not your first</p> <p>9 language?</p> <p>10 A. Yes.</p> <p>11 Q. Yes, meaning it is not?</p> <p>12 THE INTERPRETER: Meaning it is not.</p> <p>13 THE WITNESS: It is not.</p> <p>14 BY MR. CHALOS:</p> <p>15 Q. Now, how did you learn English?</p> <p>16 A. By myself.</p> <p>17 Q. Okay. So you self-taught yourself</p> <p>18 some basic English; is that right?</p> <p>19 A. Yes.</p> <p>20 Q. Okay. And what is your first language</p> <p>21 or your natural language?</p> <p>22 A. (without interpreter) Romanian.</p> <p>23 Q. And on board the ship were any of the</p> <p>24 engineers Romanian?</p>   | <p>1 in the room today, it is fair to say that all the</p> <p>2 other engineers the whole time you were on board the</p> <p>3 ship were Filipinos? Right?</p> <p>4 A. Yes.</p> <p>5 Q. And you don't speak Filipino, do you?</p> <p>6 A. No.</p> <p>7 Q. Nor do you speak any dialect that the</p> <p>8 Filipinos may speak?</p> <p>9 A. No.</p> <p>10 Q. And none of the Filipinos spoke</p> <p>11 Romanian?</p> <p>12 A. No.</p> <p>13 Q. Now, is it fair to say that there was</p> <p>14 some language barrier between the Romanians and the</p> <p>15 Filipinos on board?</p> <p>16 A. Possibility. I don't know, because we</p> <p>17 understood each other. I understood them. Not</p> <p>18 everyone I understood.</p> <p>19 Q. So you didn't understand everybody?</p> <p>20 MR. KOTILA: Objection. That is not</p> <p>21 his answer.</p> <p>22 THE INTERPRETER: No. This wasn't.</p> <p>23 He said, "I was the one that I understood them. I</p> <p>24 don't know about others."</p>                             |
| Page 39  | Page 41   |
| <p>1 MR. KOTILA: Objection. Can you</p> <p>2 clarify? What ship?</p> <p>3 BY MR. CHALOS:</p> <p>4 Q. Okay. Let me be more specific. You</p> <p>5 were on board the Irene since October of 2005; right?</p> <p>6 A. From May.</p> <p>7 Q. Oh, right. Sorry. May. You joined</p> <p>8 the ship in Poland; correct?</p> <p>9 A. Yes.</p> <p>10 Q. Now, at the time that you got on board</p> <p>11 the ship in May of 2005, were any of the engineers</p> <p>12 Romanians?</p> <p>13 A. No.</p> <p>14 Q. We heard some discussion earlier today</p> <p>15 about a guy name Tomondong. Was he a Romanian?</p> <p>16 A. No.</p> <p>17 Q. Did he speak Romanian?</p> <p>18 A. No.</p> <p>19 Q. And English wasn't his first language</p> <p>20 either, was it?</p> <p>21 A. No, it wasn't his first language.</p> <p>22 Q. Okay. Then at some point in time -- I</p> <p>23 will withdraw that question and move on.</p> <p>24 Now, apart from Mr. Dragomir, who sits</p> | <p>1 THE WITNESS: (through interpreter) On</p> <p>2 board was too many other people that they didn't</p> <p>3 understand them, the Philippine.</p> <p>4 BY MR. CHALOS:</p> <p>5 Q. Okay. Now, as an electrician you</p> <p>6 would work certain hours each day on board the Irene;</p> <p>7 correct?</p> <p>8 A. Yes.</p> <p>9 Q. Oh, by the way, before I forget, when</p> <p>10 you said that you would understand the Filipinos, what</p> <p>11 language did you communicate with?</p> <p>12 A. English.</p> <p>13 Q. Okay. Now, let's go back to your duty</p> <p>14 on board as the electrician. You would work when?</p> <p>15 A. From 7:00 a.m. till 6:00 p.m. daily.</p> <p>16 Q. Okay. So you worked during the day?</p> <p>17 A. Yes.</p> <p>18 Q. All right. Now, let's talk about what</p> <p>19 you did to prepare to come here today. Now, you met</p> <p>20 with the government; correct?</p> <p>21 A. Yes.</p> <p>22 Q. And you met with Mr. Kotila?</p> <p>23 A. Yes.</p> <p>24 Q. And Mr. Phillips?</p> |



12 (Pages 42 to 45)

| Page 42  | Page 44  |
|--|--|
| <p>1 A. Yes.</p> <p>2 Q. How many times did you meet with each</p> <p>3 of them?</p> <p>4 A. I may be correct as I calculate it or</p> <p>5 count it today would be the fifth time.</p> <p>6 Q. Today would be the fifth time?</p> <p>7 A. Yes.</p> <p>8 Q. And you met with the Coast Guard</p> <p>9 representatives as well?</p> <p>10 A. Yes, on the boat.</p> <p>11 Q. Okay. And when you met with the</p> <p>12 government lawyers, Mr. Kotila and Mr. Phillips, did</p> <p>13 you review any documents with them?</p> <p>14 A. What do you refer to?</p> <p>15 Q. Well, my question is: Did they show</p> <p>16 you any papers and ask you to review them?</p> <p>17 A. No.</p> <p>18 Q. Okay. Never?</p> <p>19 A. No. I saw a picture only once. At</p> <p>20 one time I saw a picture.</p> <p>21 Q. What was the picture of?</p> <p>22 A. Of a hose, but I didn't know to give</p> <p>23 the answer to it. They showed me a picture of a hose,</p> <p>24 but I didn't know to give the answer to it.</p> | <p>1 Q. You went to the crewing agent looking</p> <p>2 for a ship to join to work?</p> <p>3 A. Of course.</p> <p>4 Q. And the name of your crewing agent is</p> <p>5 Bright Balkan Shipping Services in Romania; right?</p> <p>6 A. Yes.</p> <p>7 Q. Okay. Now, when you go to this</p> <p>8 crewing agent, you can go to a lot of different</p> <p>9 crewing agents?</p> <p>10 A. Yes.</p> <p>11 Q. And how many years have you been going</p> <p>12 to sea?</p> <p>13 A. Twenty-seven.</p> <p>14 Q. Twenty-seven years. And during the 27</p> <p>15 years that you have been going to sea, this was the</p> <p>16 very first time that you worked with Bright Balkan</p> <p>17 Shipping -- I will say that again. I keep stumbling.</p> <p>18 Bright Balkan Shipping Services as your crewing agent</p> <p>19 right?</p> <p>20 A. Yes.</p> <p>21 Q. Now, in fact, what you do is you send</p> <p>22 your paperwork to a bunch of agencies and then you</p> <p>23 take the best job offer that is available; right?</p> <p>24 A. Yes.</p>   |
| Page 43  | Page 45  |
| <p>1 Q. Okay. It was just one picture of one</p> <p>2 hose?</p> <p>3 A. Yes.</p> <p>4 Q. And you didn't take the picture?</p> <p>5 A. No.</p> <p>6 Q. And you don't know who took the</p> <p>7 picture?</p> <p>8 A. No.</p> <p>9 Q. You don't know where it was taken?</p> <p>10 A. No.</p> <p>11 Q. Okay. Thank you. Okay. Mr. Kotila</p> <p>12 also asked you some questions about how you became</p> <p>13 employed on the Irene. Do you recall that?</p> <p>14 A. Yes.</p> <p>15 Q. Okay. Now, let's go over this a</p> <p>16 little bit. You went to a crewing agent in Romania</p> <p>17 looking for work; right?</p> <p>18 A. Yes.</p> <p>19 Q. The owner of the ship, Venetico,</p> <p>20 didn't look for you; right?</p> <p>21 A. Yes.</p> <p>22 Q. Nor did the manager, Chian Spirit;</p> <p>23 correct? They didn't come looking for you?</p> <p>24 A. No.</p>  | <p>1 Q. And the job that you took was a decent</p> <p>2 job, but the pay, you have made more on other ships?</p> <p>3 A. Yes.</p> <p>4 Q. But you took the job anyways?</p> <p>5 A. Yes.</p> <p>6 Q. And the reason why you took the job is</p> <p>7 because you wanted to go to work?</p> <p>8 A. Yes. This was the principal motive of</p> <p>9 it. I wanted to work.</p> <p>10 Q. Like all of us, you have bills to pay,</p> <p>11 so you have to make money; correct?</p> <p>12 A. Yes.</p> <p>13 Q. So in addition to holding an</p> <p>14 electrician's license, you also received a license</p> <p>15 from the ship's flag state; right?</p> <p>16 A. Yes. I got this license from another</p> <p>17 company, not from this company.</p> <p>18 Q. Okay. So let me see if I understand</p> <p>19 you correctly. Then at the time that you were hired</p> <p>20 to work on the Irene E.M., you were not only a</p> <p>21 licensed electrician but you also held a license from</p> <p>22 the flag state of the vessel. That's the</p> <p>23 St. Vincent's and Grenadines --</p> <p>24 A. Yes.</p> |

| Page 46   | Page 48  |
|---|--|
| <p>1 Q. -- flag state administration?</p> <p>2 A. Yes.</p> <p>3 Q. So you held two licenses?</p> <p>4 A. Yes.</p> <p>5 Q. And you had 27 years of experience?</p> <p>6 A. Yes. More.</p> <p>7 Q. More. Okay. Now, after you received</p> <p>8 the offer and you accepted it, you went to the office</p> <p>9 of Bright Balkan Shipping Services; right?</p> <p>10 A. Yes.</p> <p>11 Q. And you had some training?</p> <p>12 A. Yes.</p> <p>13 Q. And part of the training was the</p> <p>14 procedures of the company before you joined their</p> <p>15 ship; right?</p> <p>16 A. Yes.</p> <p>17 Q. Okay. Now, I am going to show you</p> <p>18 what we have marked as CSME Defendant 1 Exhibit. For</p> <p>19 the record, I will note it is a six-page document.</p> <p>20 Have you seen it? Do you have a copy?</p> <p>21 MR. KOTILA: Let me see what you have.</p> <p>22 MR. CHALOS: It should be the first</p> <p>23 six pages of what I passed to you.</p> <p>24</p>   | <p>1 Q. Okay. Now, and this is the terms of</p> <p>2 your contract; correct?</p> <p>3 A. Yes.</p> <p>4 Q. Turn to -- let me turn to look at that</p> <p>5 with you -- the third page of that exhibit.</p> <p>6 A. Yes.</p> <p>7 Q. And is it fair to say that that is a</p> <p>8 declaration that you signed prior to joining the</p> <p>9 vessel?</p> <p>10 A. Yes.</p> <p>11 Q. And that document bears your signature</p> <p>12 on the bottom; correct?</p> <p>13 A. Yes.</p> <p>14 Q. And it says to the master --</p> <p>15 MR. KOTILA: Objection. First of all,</p> <p>16 we don't have a document that has been placed in</p> <p>17 evidence to quote off or read from.</p> <p>18 MR. CHALOS: He said he signed it. It</p> <p>19 is a declaration he prepared.</p> <p>20 MR. KOTILA: It is not in evidence at</p> <p>21 this point.</p> <p>22 MR. CHALOS: Well, we would like to</p> <p>23 move it into evidence, although we don't have a judge</p> <p>24 to move it in.</p>   |
| Page 47   | Page 49  |
| <p>1 BY MR. CHALOS:</p> <p>2 Q. Now, Mr. Tudor, I am passing to you</p> <p>3 what we have marked as Deposition Exhibit No. 1 and</p> <p>4 ask you to take a look at the first page. And once</p> <p>5 you have had an opportunity to review it -- and you</p> <p>6 can certainly use the assistance of our interpreter --</p> <p>7 look up so I will know you are ready for the next</p> <p>8 question.</p> <p>9 A. I don't have my glasses, but I will</p> <p>10 try to --</p> <p>11 THE INTERPRETER: I mean, that's what</p> <p>12 he said, but I will try to help. I have my glasses.</p> <p>13 BY MR. CHALOS:</p> <p>14 Q. Okay. Now, you want to just take a</p> <p>15 minute to look it over together. Let me ask you this,</p> <p>16 Mr. Tudor.</p> <p>17 A. (without interpreter) Just a second.</p> <p>18 I can borrow one glass?</p> <p>19 THE INTERPRETER: They have the same</p> <p>20 size, I guess.</p> <p>21 BY MR. CHALOS:</p> <p>22 Q. Okay. Mr. Tudor, is that your</p> <p>23 signature that appears at the bottom?</p> <p>24 A. Yes.</p> | <p>1 BY MR. CHALOS:</p> <p>2 Q. Okay. Let me just do it the way I</p> <p>3 think it ought to happen in court and leave it for the</p> <p>4 record for later determination.</p> <p>5 Mr. Tudor, is this a document that you</p> <p>6 reviewed and signed?</p> <p>7 A. Yes.</p> <p>8 Q. And when you signed it, did you adopt</p> <p>9 the terms and conditions and the contents of it?</p> <p>10 A. Yes.</p> <p>11 MR. CHALOS: Okay. At this point I</p> <p>12 would like to move what we previously have marked as</p> <p>13 CSME Exhibit 1 into evidence in its entirety.</p> <p>14 MR. KOTILA: Well, I am going to</p> <p>15 object to the document moved into evidence because it</p> <p>16 is not relevant, and also object because it is beyond</p> <p>17 the scope of my direct examination.</p> <p>18 BY MR. CHALOS:</p> <p>19 Q. Okay. Now, Mr. Tudor, it says 2, "The</p> <p>20 master and owners of the M.V. Irene E.M." --</p> <p>21 THE INTERPRETER: Page 3? Page?</p> <p>22 MR. TWERSKY: Yes.</p> <p>23</p> <p>24</p> |

14 (Pages 50 to 53)

| Page 50  | Page 52   |
|--|---|
| <p>1 BY MR. CHALOS:</p> <p>2 Q. Okay. And it says --</p> <p>3 A. (without interpreter) Page 3.</p> <p>4 Q. I have it right here. "I, Tudor Paul,</p> <p>5 holder of Seaman's Book No. 9630, have read and</p> <p>6 understood the following company's policies." And</p> <p>7 then if you read --</p> <p>8 A. Yes.</p> <p>9 Q. -- further down, it says, "The health,</p> <p>10 safety and environmental policy of the company";</p> <p>11 right?</p> <p>12 A. Yes.</p> <p>13 Q. Now, I would like to show you what we</p> <p>14 have marked as CSME Defendants' Deposition Exhibit</p> <p>15 No. 7 and ask you to take a look at that. And my</p> <p>16 question to you is: Do you recognize this as --</p> <p>17 A. Yes.</p> <p>18 Q. -- the Chian Spirit safety management</p> <p>19 system and environmental policy?</p> <p>20 A. Yes.</p> <p>21 MR. CHALOS: Okay. Now, Mr. Tudor,</p> <p>22 that document -- we marked that as Defendants' Exhibit</p> <p>23 7. First we would like to move it into evidence.</p> <p>24 MR. KOTILA: Once again, I am going to</p> | <p>1 Q. And in the engine room there was a</p> <p>2 board, a plywood board where it was also posted;</p> <p>3 right?</p> <p>4 A. Yes.</p> <p>5 Q. Okay. So is it fair to say that at</p> <p>6 the time that you boarded the vessel, you knew that it</p> <p>7 was the company's policy --</p> <p>8 A. Yes.</p> <p>9 Q. -- to protect the environment?</p> <p>10 A. Yes.</p> <p>11 Q. And they were not -- the company, both</p> <p>12 the management and the owning company, were not going</p> <p>13 to accept any crew members violating that policy?</p> <p>14 A. Yes.</p> <p>15 Q. And, in fact, if a crew member would</p> <p>16 violate the policy, they would be fired and put</p> <p>17 ashore; right?</p> <p>18 A. Yes.</p> <p>19 Q. And on their own to get back home,</p> <p>20 wherever they live?</p> <p>21 A. Yes.</p> <p>22 Q. Now, in fact, Mr. Tudor, part of your</p> <p>23 training was that if you personally had observed any</p> <p>24 sort of pollution or MARPOL violation, you were</p>  |
| Page 51  | Page 53   |
| <p>1 object. It is beyond the scope of my direct</p> <p>2 examination. It is not relevant. Mr. Tudor's</p> <p>3 signature is not on this document nor is his name</p> <p>4 placed anywhere on this document. Objection to its</p> <p>5 admission.</p> <p>6 BY MR. CHALOS:</p> <p>7 Q. Now, Mr. Tudor, this document was</p> <p>8 posted in several places on the ship, was it not?</p> <p>9 A. Yes.</p> <p>10 Q. So let me see if I got this right.</p> <p>11 You are presented a copy of this before you joined the</p> <p>12 vessel by your crewing agent; right?</p> <p>13 A. Yes.</p> <p>14 Q. Then when you got on board, this</p> <p>15 document was posted in several places; right?</p> <p>16 A. Yes.</p> <p>17 Q. It was in the ship's office?</p> <p>18 A. Yes.</p> <p>19 Q. It was on the bridge?</p> <p>20 A. Yes.</p> <p>21 Q. It was in the hallway?</p> <p>22 A. Yes.</p> <p>23 Q. It was in the mess hall?</p> <p>24 A. Yes.</p>   | <p>1 supposed to report that to the captain immediately;</p> <p>2 right?</p> <p>3 A. (without interpreter) Yes. Not to the</p> <p>4 captain. To the watch officer which was on duty.</p> <p>5 Q. Okay. But the point is, if you had</p> <p>6 seen such a violation, it was your obligation to</p> <p>7 report it?</p> <p>8 A. (without interpreter) Yes, of course.</p> <p>9 Q. Now, I would like to show you what we</p> <p>10 have marked as Deposition Exhibit 2. And it is a</p> <p>11 six-page document that I ask you just to look through</p> <p>12 it and identify each page. And I will make a</p> <p>13 representation for the record that it appears to be</p> <p>14 your passport and seaman's book, but I will ask you to</p> <p>15 just to look through it and identify it.</p> <p>16 A. Yes.</p> <p>17 Q. What is the first page, Mr. Tudor?</p> <p>18 A. (without interpreter) It is my</p> <p>19 passport.</p> <p>20 Q. And who issued that passport?</p> <p>21 A. The place --</p> <p>22 MR. KOTILA: I am going to object</p> <p>23 because you didn't move it into evidence yet or</p> <p>24 attempt to.</p> |

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1 MR. CHALOS: Okay. I just --  
2 THE WITNESS: Romania, the place of  
3 Constanta.  
4 BY MR. CHALOS:  
5 Q. So you are a Romanian?  
6 A. Yes.  
7 Q. A citizen of Romania?  
8 A. Yes.  
9 Q. Okay. What is the second page of that  
10 exhibit?  
11 A. My copy of my seaman book.  
12 Q. And that is a copy of your seaman's  
13 book; is that right?  
14 A. (without interpreter) Yes. It is the  
15 first page.  
16 Q. Okay. A copy of the first page of  
17 your seaman's book?  
18 A. Yes.  
19 Q. The third page of that exhibit,  
20 Mr. Tudor?  
21 A. Yes. It is my copy of the -- my  
22 certificate, my license.  
23 Q. Okay. And the next page of that?  
24 A. It is my extension date of seaman's

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1 book.  
2 Q. Okay. And the next page, Mr. Tudor?  
3 A. It is first page of my license.  
4 Q. Okay. Now, Mr. Tudor, the next page?  
5 A. Is the flag license.  
6 Q. And that is the second license that  
7 you held to be the electrician?  
8 A. Yes.  
9 Q. Okay. Now, all those documents which  
10 are part of CSME Defendants' Exhibit No. 2 are all  
11 documents that relate to your professional ability to  
12 serve on board the M.V. Irene E.M.; correct?  
13 A. Yes.  
14 MR. CHALOS: Okay. We would like to  
15 move them into evidence.  
16 MR. KOTILA: No objection.  
17 MR. CHALOS: Thank you.  
18 BY MR. CHALOS:  
19 Q. Okay. Now, Mr. Tudor, I am going to  
20 show you what we have marked as CSME Deposition  
21 Exhibit No. 3, which is a document that bears four  
22 pages. Now, Mr. Tudor, my question to you is, take a  
23 look at these four pages. Are these all certificates  
24 that you received?

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1 A. Yes.  
2 Q. Now, and these are training courses --  
3 A. IMO.  
4 Q. -- and seminars that you have taken in  
5 connection with the International Marine  
6 Organization's standard training for seafarers; right?  
7 A. Yes.  
8 Q. And this -- you have attended other  
9 classes as well?  
10 A. Yes.  
11 Q. And this is also certificates that  
12 relate to your capacity and ability and prior training  
13 before serving on board the --  
14 A. Yes.  
15 Q. -- Irene?  
16 Now, you also went to the Romanian  
17 Maritime Training Center, did you not, and sat for a  
18 prevention of pollution of marine environment class?  
19 A. (without interpreter) MARPOL?  
20 Q. MARPOL.  
21 A. Yes.  
22 Q. And you received a certificate for  
23 that as well; correct?  
24 A. Yes.

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1 Q. Just give me one second. And, in  
2 fact, Mr. Tudor, that is the first page of that  
3 exhibit?  
4 A. Yes.  
5 Q. Now, let's talk for a minute about  
6 when you first came on board the ship. You told  
7 Mr. Kotila that you came on board the ship in Poland;  
8 is that right?  
9 A. Yes.  
10 Q. Okay. And when you got on board the  
11 ship, you did a handover with the prior electrician;  
12 right?  
13 A. Yes.  
14 Q. And during that handover you went over  
15 the machinery or the electronic parts?  
16 A. (without interpreter) Electrical  
17 parts, yes.  
18 Q. Electrical parts?  
19 A. Yes, electrical parts.  
20 Q. Now, you didn't go over any of the  
21 engine room machinery, did you? Specifically, you  
22 didn't go over the main engines?  
23 A. (without interpreter) No.  
24 Q. You didn't go over the turbochargers?

16 (Pages 58 to 61)

| Page 58  | Page 60   |
|--|---|
| <p>1 A. (without interpreter) No.</p> <p>2 Q. You didn't go over the shaft</p> <p>3 generator?</p> <p>4 A. (without interpreter) No.</p> <p>5 Q. You didn't go over the function of the</p> <p>6 oily water separator?</p> <p>7 A. (without interpreter) No.</p> <p>8 Q. None of those fall within your job, do</p> <p>9 they?</p> <p>10 A. Can you repeat the question?</p> <p>11 Q. Yes. Working on those types of --</p> <p>12 that type of machinery and equipment is jobs for the</p> <p>13 engineers; right?</p> <p>14 A. Yes.</p> <p>15 Q. Okay. And, in fact, you don't hold</p> <p>16 any marine engineering license?</p> <p>17 A. No.</p> <p>18 Q. Okay. And you don't have any</p> <p>19 authority to operate any of the engine room equipment,</p> <p>20 do you?</p> <p>21 A. No.</p> <p>22 Q. Okay. Now, you talked a little bit</p> <p>23 about an exchange that you had with the prior chief</p> <p>24 engineer. That was Tomondong; right?</p> | <p>1 neither in the first list nor the second list nor the</p> <p>2 third list, did you ever ask for any equipment for the</p> <p>3 oily water separator; right?</p> <p>4 A. Yes.</p> <p>5 Q. Yes, meaning that you didn't ask?</p> <p>6 A. No. Never asked.</p> <p>7 Q. And that is because the oily water</p> <p>8 separator is not your job?</p> <p>9 A. Yes.</p> <p>10 Q. Okay. Now, there came a time that</p> <p>11 there was a problem with the alarm in the engine room;</p> <p>12 right?</p> <p>13 A. Yes.</p> <p>14 Q. And what you did was, you went and</p> <p>15 fixed the electrical power to the alarm; right?</p> <p>16 A. Yes.</p> <p>17 Q. It had nothing to do with the oily</p> <p>18 water separator operation, whether the engineers were</p> <p>19 using it or not?</p> <p>20 A. I repair only the alarm.</p> <p>21 Q. Okay. Thank you. Now, and after you</p> <p>22 made the repair, you were satisfied that the</p> <p>23 equipment, the alarm was working properly; right?</p> <p>24 A. (without interpreter) Yes.</p>  |
| Page 59  | Page 61   |
| <p>1 A. Yes.</p> <p>2 Q. And when you spoke to him, you spoke</p> <p>3 to him in English; right?</p> <p>4 A. Yes.</p> <p>5 Q. And over the course of a few months</p> <p>6 you prepared three different lists for repairs --</p> <p>7 A. Yes.</p> <p>8 Q. -- and maintenance of equipment;</p> <p>9 right?</p> <p>10 A. Yes.</p> <p>11 Q. And you submitted it to him hopefully</p> <p>12 for requisitioning the parts; right?</p> <p>13 A. Yes.</p> <p>14 Q. Now, you don't know as you sit here</p> <p>15 today whether he ever sent that requisition to the</p> <p>16 company; right?</p> <p>17 A. No, no.</p> <p>18 Q. You don't know if it was ever received</p> <p>19 by the company?</p> <p>20 A. No.</p> <p>21 Q. All you know is what you talked to</p> <p>22 Mr. Tomondong about; right?</p> <p>23 A. Yes.</p> <p>24 Q. And in all three of those lists,</p>   | <p>1 Q. Now, after Mr. Tomondong left the</p> <p>2 ship, Mr. Dragomir came on board, and he became the</p> <p>3 chief engineer; right?</p> <p>4 A. (without interpreter) Yes.</p> <p>5 Q. And Mr. Dragomir is also a Romanian?</p> <p>6 A. (without interpreter) Yes.</p> <p>7 Q. And when you speak to Mr. Dragomir,</p> <p>8 you speak with him in Romanian; right?</p> <p>9 A. (without interpreter) Yes, right.</p> <p>10 Q. And there is no language barrier</p> <p>11 between you guys?</p> <p>12 A. (without interpreter) Right.</p> <p>13 Q. And when you speak to Mr. Dragomir,</p> <p>14 you understand his orders?</p> <p>15 A. (without interpreter) Yes.</p> <p>16 Q. And he, to your knowledge, understands</p> <p>17 your responses?</p> <p>18 A. (without interpreter) Yes.</p> <p>19 Q. You were on board the ship during its</p> <p>20 voyage from West Africa to Brazil; correct?</p> <p>21 A. (without interpreter) Yes, correct.</p> <p>22 Q. Now, during that voyage you didn't</p> <p>23 have any idea where the ship was going to go after</p> <p>24 Brazil, did you?</p> |



| Page 62   | Page 64   |
|---|---|
| <p>1 A. I knew it from when we were in Africa.</p> <p>2 Q. Okay. Let me be more specific. When</p> <p>3 you left Africa, you knew the ship was going to go to</p> <p>4 Brazil; right?</p> <p>5 A. Yes.</p> <p>6 Q. And then once you got to Brazil,</p> <p>7 that's when you learned the ship was going to go to</p> <p>8 the United States; right?</p> <p>9 A. No. When we left Africa, I knew that</p> <p>10 we will arrive to the United States after Brazil.</p> <p>11 Q. How did you know that?</p> <p>12 A. It was announced, the voyage.</p> <p>13 Q. Okay. And who announced it?</p> <p>14 A. The officers.</p> <p>15 (without interpreter) The mate.</p> <p>16 (through interpreter) Somebody from</p> <p>17 deck. One mate.</p> <p>18 Q. And how do you know that this was in</p> <p>19 Africa when you learned this?</p> <p>20 A. Because I learned after one or two</p> <p>21 days, three days anyhow between Brazil.</p> <p>22 Q. Okay. Because the ship wasn't ordered</p> <p>23 to go to The States --</p> <p>24 MR. KOTILA: Objection.</p>  | <p>1 United States?</p> <p>2 MR. KOTILA: Objection. We are asked</p> <p>3 and answered now.</p> <p>4 MR. CHALOS: You can answer.</p> <p>5 THE WITNESS: Between Africa and</p> <p>6 Brazil there were five days that we were in the sea.</p> <p>7 In this period the announcement was made.</p> <p>8 BY MR. CHALOS:</p> <p>9 Q. Okay. After the vessel made its three</p> <p>10 stops in Brazil, where was she headed?</p> <p>11 A. We had only two stops in Brazil with</p> <p>12 this trip.</p> <p>13 Q. Okay. That's your recollection of</p> <p>14 Brazil, two stops?</p> <p>15 A. (without interpreter) We had three</p> <p>16 stops in Brazil, but previous, the first one was in</p> <p>17 another trip.</p> <p>18 Q. Okay. So I understand, between Africa</p> <p>19 but before arriving in Brazil it is your recollection</p> <p>20 that you were told the ship was going to go to the</p> <p>21 United States; right?</p> <p>22 A. Yes.</p> <p>23 MR. KOTILA: Objection; asked and</p> <p>24 answered again.</p> |
| Page 63   | Page 65   |
| <p>1 MR. CHALOS: Okay. Let me rephrase</p> <p>2 it.</p> <p>3 BY MR. CHALOS:</p> <p>4 Q. When the ship arrived in Brazil, it</p> <p>5 made three stops in Brazil; right?</p> <p>6 A. Yes.</p> <p>7 Q. And it wasn't till after the first</p> <p>8 stop in Brazil that it was known the ship was going to</p> <p>9 go to the United States; is that right?</p> <p>10 MR. KOTILA: Objection. That counted</p> <p>11 as what he already testified to, he already knew.</p> <p>12 MR. CHALOS: Well, I am refreshing his</p> <p>13 recollection.</p> <p>14 MR. KOTILA: Objection again. He</p> <p>15 didn't say he had a problem with his recollection.</p> <p>16 BY MR. CHALOS:</p> <p>17 Q. Mr. Tudor, do you remember the exact</p> <p>18 place and time that you learned the ship was -- where</p> <p>19 you were?</p> <p>20 A. (without interpreter) Anyhow between</p> <p>21 Africa and Brazil, before to arrive in Brazil.</p> <p>22 Q. Okay. So if I understand you</p> <p>23 correctly, sometime before arriving in Brazil was when</p> <p>24 you first learned that the ship was going to go to the</p> | <p>1 BY MR. CHALOS:</p> <p>2 Q. Now, did you know where in the United</p> <p>3 States the ship was going to go?</p> <p>4 A. (without interpreter) The first</p> <p>5 time --</p> <p>6 (through interpreter) The first time</p> <p>7 it was talk that we are supposed to go to Baltimore.</p> <p>8 Q. Okay. But the ship never went to</p> <p>9 Baltimore; right?</p> <p>10 A. No.</p> <p>11 Q. Okay. So let's go back and let's talk</p> <p>12 about your communications with Mr. Dragomir.</p> <p>13 A. Yes.</p> <p>14 Q. There came a time after the ship left</p> <p>15 Brazil that you discussed with Mr. Dragomir that the</p> <p>16 ship was going to be going to the United States;</p> <p>17 right?</p> <p>18 A. Yes.</p> <p>19 Q. And Mr. Dragomir told you that he had</p> <p>20 received a message from the office asking for a report</p> <p>21 on the condition of some equipment; right?</p> <p>22 MR. KOTILA: Objection; no foundation.</p> <p>23 MR. CHALOS: This is cross.</p> <p>24</p>                 |

18 (Pages 66 to 69)

| Page 66   | Page 68   |
|---|---|
| <p>1 BY MR. CHALOS:</p> <p>2 Q. Right?</p> <p>3 A. Sorry?</p> <p>4 Q. Mr. Dragomir told you that he had</p> <p>5 received information and a request from the manager of</p> <p>6 the ship asking for a report on the condition of some</p> <p>7 of the vessel's equipment; right?</p> <p>8 A. Yes.</p> <p>9 Q. And, in fact, what he did was he asked</p> <p>10 you to go and check some equipment?</p> <p>11 A. Yes.</p> <p>12 Q. And the reason why you did that --</p> <p>13 strike that.</p> <p>14 And you reported to Mr. Dragomir;</p> <p>15 right?</p> <p>16 A. Yes.</p> <p>17 Q. And you don't know what Mr. Dragomir</p> <p>18 reported to the company?</p> <p>19 A. No.</p> <p>20 Q. And just to be clear, you are not</p> <p>21 authorized to make any repairs to the oily water</p> <p>22 separator; right?</p> <p>23 A. Of course.</p> <p>24 MR. KOTILA: Objection. Objection,</p>   | <p>1 Mr. Dragomir that; right?</p> <p>2 A. Yes.</p> <p>3 Q. And, in fact, Mr. Dragomir never used</p> <p>4 the oily water separator because he knew there was a</p> <p>5 problem with it; right?</p> <p>6 A. Yes.</p> <p>7 Q. Now, did Mr. Dragomir tell you that he</p> <p>8 was maintaining all his sludge and oily wastes on</p> <p>9 board the ship?</p> <p>10 A. Sorry?</p> <p>11 Q. Did Mr. Dragomir tell you that he was</p> <p>12 storing all the sludge and oily wastes --</p> <p>13 A. (without interpreter) Yes.</p> <p>14 Q. -- on board in a special tank?</p> <p>15 A. No. I never discussed it with him.</p> <p>16 Q. Okay. Because you are not an</p> <p>17 engineer; right?</p> <p>18 A. Yes.</p> <p>19 Q. And that is not something that you</p> <p>20 would discuss with the chief engineer?</p> <p>21 A. Yes.</p> <p>22 Q. But you never saw any oil ever being</p> <p>23 discharged overboard?</p> <p>24 A. Never.</p>   |
| Page 67   | Page 69   |
| <p>1 because I believe he said he is on part on his direct</p> <p>2 examination.</p> <p>3 BY MR. CHALOS:</p> <p>4 Q. Okay. Now, you told Mr. Kotila before</p> <p>5 about some repairs that needed to be made to the oily</p> <p>6 water separator; right?</p> <p>7 A. Yes.</p> <p>8 Q. And it was your testimony, was it not,</p> <p>9 that an authorized technician needed to be called?</p> <p>10 Right?</p> <p>11 A. Yes.</p> <p>12 Q. And you don't have the authority or</p> <p>13 the training --</p> <p>14 A. Yes.</p> <p>15 Q. -- or the capability to make any</p> <p>16 repairs?</p> <p>17 A. Of course.</p> <p>18 Q. Okay. Now, in fact, once Mr. Dragomir</p> <p>19 came on board the ship -- I will withdraw that.</p> <p>20 You told us before that you had done</p> <p>21 some tests and you found that the solenoid sensor</p> <p>22 would give inconsistent results; right?</p> <p>23 A. Yes.</p> <p>24 Q. And at some point in time you told</p> | <p>1 Q. Mr. Tudor --</p> <p>2 A. Just a moment. Just a moment.</p> <p>3 Because here it is one point I report. I report one</p> <p>4 time, but it was one accident. After dropped anchor</p> <p>5 in the 5th of December.</p> <p>6 Q. Okay. Now, I was going to refine my</p> <p>7 question to get to that. There was one time that</p> <p>8 there was a stern tube leak; right?</p> <p>9 A. Yes.</p> <p>10 Q. And that was something that you saw --</p> <p>11 A. Yes.</p> <p>12 Q. -- and you reported?</p> <p>13 A. Yes.</p> <p>14 Q. And, in fact, that fact that there was</p> <p>15 a stern tube leak was reported to the U.S. Coast</p> <p>16 Guard?</p> <p>17 A. Yes.</p> <p>18 Q. And they were on board?</p> <p>19 A. Yes.</p> <p>20 Q. And the Coast Guard representatives if</p> <p>21 they wanted to could have seen it with their own eyes?</p> <p>22 MR. KOTILA: Objection. Objection for</p> <p>23 the relevance of this whole line of testimony.</p> <p>24 Objection what the Coast Guard could have seen. How</p> |

Paul Tudor

19 (Pages 70 to 73)

| Page 70   | Page 72   |
|---|---|
| <p>1 could he tell what a Coast Guard agent could have<br/>2 seen?<br/>3 BY MR. CHALOS:<br/>4 Q. Okay. But you can answer. You could<br/>5 see it with your eyes; right?<br/>6 A. Yes.<br/>7 Q. Okay. So now, going back to my first<br/>8 question, you never saw any oil intentionally being<br/>9 discharged into the sea, did you?<br/>10 A. Never.<br/>11 Q. Never?<br/>12 A. Never.<br/>13 Q. Now, Mr. Kotila in preparation for<br/>14 today showed you a picture of a hose; right?<br/>15 A. I understood today. When; today?<br/>16 Q. Well, at some point when you met with<br/>17 the government, they showed you a picture of a hose.<br/>18 A. Yes. Another time, not today, yes.<br/>19 One picture.<br/>20 Q. And you had never seen that hose;<br/>21 right?<br/>22 A. I saw this model of the hose but I<br/>23 don't know this hose, what it is. I saw a model of<br/>24 this hose, but I never saw this hose, and I don't know</p> | <p>1 needs to change a tape.<br/>2 (Recess taken.)<br/>3 BY MR. CHALOS:<br/>4 Q. Okay, Mr. Tudor, you told Mr. Kotila<br/>5 earlier today that when you joined the ship on board<br/>6 in Poland, at some point in time you saw the owner of<br/>7 the ship; right?<br/>8 A. Yes.<br/>9 Q. Okay. Now, when you saw the owner on<br/>10 board the ship --<br/>11 A. Yes.<br/>12 Q. Okay. When you saw the owner on board<br/>13 the ship, he never asked you to lie to any<br/>14 authorities, did he?<br/>15 MR. KOTILA: Objection. Objection;<br/>16 hearsay.<br/>17 BY MR. CHALOS:<br/>18 Q. Okay. Now, in your discussions with<br/>19 the owner, he never asked you to lie; right?<br/>20 A. Yes. Correct.<br/>21 Q. Correct, meaning he never asked you?<br/>22 A. Yes.<br/>23 Q. Okay. Now, you also saw the owner on<br/>24 board the ship in Delaware; right?</p> |
| Page 71   | Page 73   |
| <p>1 what this hose is.<br/>2 Q. Now, just to be clear, the captain of<br/>3 the ship, Mr. Manolache, he never ordered you to<br/>4 discharge overboard; right?<br/>5 A. Yes.<br/>6 Q. Yes, he never ordered you or yes, he<br/>7 did order you?<br/>8 A. No, never.<br/>9 Q. Okay. So the record is clear, Captain<br/>10 Manolache never ordered you to discharge anything<br/>11 overboard?<br/>12 A. Never.<br/>13 Q. Okay. Chief Engineer Dragomir never<br/>14 ordered you to discharge anything overboard?<br/>15 A. Never.<br/>16 Q. Chief Engineer Tomondong never ordered<br/>17 you to discharge anything overboard?<br/>18 A. Never.<br/>19 Q. Okay. None of the engineers ever<br/>20 ordered you to discharge anything overboard?<br/>21 A. Never.<br/>22 Q. Okay. Now, we talked before about<br/>23 being on board the ship in Poland.<br/>24 MR. CHALOS: Is this a good time? She</p>  | <p>1 A. Yes. Yes.<br/>2 Q. Now, when you spoke to the owner on<br/>3 board in Delaware, he never asked you to lie to the<br/>4 U.S. Government, did he?<br/>5 A. Correct. Never.<br/>6 MR. CHALOS: Your answer was?<br/>7 (The court reporter read back as<br/>8 requested.)<br/>9 BY MR. CHALOS:<br/>10 Q. Okay. Thank you, Mr. Tudor. Okay.<br/>11 Now, you also saw a guy on board named Christos<br/>12 right?<br/>13 A. Correct.<br/>14 Q. Now, Christos never asked you to lie<br/>15 to anybody, did he?<br/>16 A. Correct. Never.<br/>17 Q. Correct, never. Okay. And you saw<br/>18 Christos and spoke to Christos almost every day --<br/>19 A. Yes.<br/>20 Q. -- when the ship was here in the<br/>21 United States; right?<br/>22 A. Yes.<br/>23 Q. And he never asked you to lie?<br/>24 A. Never.</p>   |



20 (Pages 74 to 77)

| Page 74  | Page 76   |
|--|---|
| <p>1 Q. Okay. Now, the captain never asked<br/>2 you to lie; right?<br/>3 A. Correct.<br/>4 Q. Never?<br/>5 A. Never.<br/>6 Q. And Chief Engineer Dragomir never<br/>7 asked you to lie; right?<br/>8 A. Correct.<br/>9 Q. Correct; never?<br/>10 A. Never.<br/>11 Q. He never asked you to lie?<br/>12 A. No.<br/>13 Q. Now, Mr. Tudor, I am going to show you<br/>14 what we have marked as CSME Deposition Exhibit No. 4.<br/>15 I just ask you to take a look at these.<br/>16 A. Yes.<br/>17 Q. Now, before I ask you about the<br/>18 document, let me ask you some foundation questions.<br/>19 Now, before getting on board the ship, the company<br/>20 paid for you to go to a medical exam; right?<br/>21 A. No. I paid.<br/>22 Q. Okay. But the company asked you to<br/>23 confirm that you were in good health before joining<br/>24 the ship; right?</p>  | <p>1 discussions with the Coast Guard; right?<br/>2 A. I spoke with them about the separator,<br/>3 and the second time I spoke in behalf of that person,<br/>4 Nikolai, and also on behalf of me.<br/>5 Q. Okay. So if I understand you<br/>6 correctly, the questions that were posed directly to<br/>7 you that you answered, that question-and-answer<br/>8 session was about five minutes?<br/>9 A. First time, yes.<br/>10 Q. And that question-and-answer session<br/>11 focused on a piece of equipment in the engine room<br/>12 that you don't operate?<br/>13 A. Yes.<br/>14 Q. That's correct?<br/>15 A. Yes. Correct.<br/>16 Q. And as a result the government has<br/>17 detained you here for eight months after a five-minute<br/>18 conversation about a piece of equipment you don't<br/>19 operate; right?<br/>20 MR. KOTILA: Objection. Objection to<br/>21 the phrase "detained." He is here based on an<br/>22 agreement, a surety agreement with the company.<br/>23 BY MR. CHALOS:<br/>24 Q. Mr. Tudor, are you here voluntarily?</p> |
| Page 75  | Page 77   |
| <p>1 A. Right. Right.<br/>2 Q. And was it your understanding that the<br/>3 company was concerned about your health and safety?<br/>4 A. Correct.<br/>5 Q. Correct. Right?<br/>6 A. Correct.<br/>7 Q. Now, remember on board once the ship<br/>8 arrived in Delaware, the Coast Guard came on?<br/>9 A. Yes.<br/>10 Q. And they came on for several days in a<br/>11 row; right?<br/>12 A. Correct.<br/>13 Q. And they spoke to you twice?<br/>14 A. Correct.<br/>15 Q. Now, the first time they spoke to you<br/>16 they asked you some questions, and that question-and-<br/>17 answer session lasted less than five minutes; right?<br/>18 A. Around five minutes.<br/>19 Q. Okay. Five minutes. Then the second<br/>20 time they spoke to you, they asked you to help, and<br/>21 they asked you to translate for one of the other crew<br/>22 members named Nikolai; right?<br/>23 A. Yes. I translated for both of them.<br/>24 Q. And that was the extent of your</p> | <p>1 I will withdraw my last question and ask you --<br/>2 A. No. I don't understand the question.<br/>3 (At this point Mr. Roth spoke in<br/>4 Romanian.)<br/>5 THE WITNESS: No.<br/>6 BY MR. CHALOS:<br/>7 Q. You are here because the government<br/>8 asked you to be here; right?<br/>9 A. Yes.<br/>10 Q. Now, in fact, you prepared papers that<br/>11 were filed in court asking for the government to let<br/>12 you go home; right?<br/>13 A. Yes.<br/>14 Q. And that was the basis for us having<br/>15 this session today; right?<br/>16 MR. KOTILA: Objection. Objection to<br/>17 information for the record.<br/>18 THE WITNESS: I don't know. I am not<br/>19 sure.<br/>20 BY MR. CHALOS:<br/>21 Q. Now, Mr. Tudor, the first time you met<br/>22 with the government, they asked you to come to<br/>23 Delaware; right?<br/>24 A. Yes.</p>  |

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1 Q. And you drove more than an hour to  
 2 come to the meeting; right?  
 3 A. No. I don't drive. I came with the  
 4 agency car.  
 5 Q. Okay. You were in a car for more than  
 6 an hour to come to the meeting?  
 7 A. Yes.  
 8 Q. Closer to two hours?  
 9 A. Yes, back and forth, yes.  
 10 Q. And the day that you had that meeting,  
 11 nobody talked to you. You sat there all day; right?  
 12 MR. KOTILA: I am going to object to  
 13 this line --  
 14 THE WITNESS: No.  
 15 MR. KOTILA: -- of questioning as not  
 16 relevant and again beyond the scope of the direct  
 17 examination.  
 18 BY MR. CHALOS:  
 19 Q. Now, since you have been -- now,  
 20 Mr. Tudor, I am going to show you what we have marked  
 21 for the record as CSME Defendants' Deposition Exhibit  
 22 No. 5. And for the record, I will make a  
 23 representation it is a letter on the Department of  
 24 Justice letterhead dated January 11, 2006, to

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1 Mr. Twersky, Esquire. Now, before you look at that,  
 2 Mr. Tudor, Mr. Twersky is your lawyer; correct?  
 3 A. Yes.  
 4 Q. Have you seen that document before  
 5 today?  
 6 A. Yes.  
 7 Q. Now, is it your understanding that  
 8 your lawyer on your behalf has made an agreement with  
 9 the government that they won't prosecute you in return  
 10 for your cooperation in their investigation?  
 11 A. Yes.  
 12 Q. Okay. And you agreed to cooperate  
 13 with the government; right?  
 14 A. I have nothing to hide.  
 15 MR. CHALOS: And, in fact, I would  
 16 like to move into evidence what we previously marked  
 17 as CSME Defendants' Exhibit No. 5.  
 18 MR. KOTILA: I am going to object to  
 19 that as irrelevant to the case. I also object it is a  
 20 hearsay document.  
 21 MR. CHALOS: Well, it is a statement  
 22 of a party, isn't it?  
 23 MR. KOTILA: Falgowski?  
 24 MR. CHALOS: Yes. He is government.

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1 BY MR. CHALOS:  
 2 Q. Okay. I am going to show you what we  
 3 have marked for the record as CSME Deposition Exhibit  
 4 No. 6, a three-page document entitled "Declaration of  
 5 Paul Tudor." Mr. Tudor, have you seen that document  
 6 before?  
 7 Let me withdraw that question and ask  
 8 you this. Does that document bear your signature on  
 9 the third page?  
 10 A. Yes.  
 11 Q. Okay. Now, take a look, Mr. Tudor, at  
 12 paragraph 18. And specifically, I want to point you  
 13 to the first sentence. You write, "I have done  
 14 nothing" --  
 15 MR. KOTILA: Objection. This document  
 16 is not in evidence.  
 17 MR. CHALOS: Okay. Then I would like  
 18 to move --  
 19 MR. WOODWARD: It doesn't have to be  
 20 in evidence.  
 21 MR. CHALOS: It is part of the court  
 22 record, but I would like to move the document into  
 23 evidence.  
 24 MR. WOODWARD: Off the record.

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1 (Discussion off the record.)  
 2 BY MR. CHALOS:  
 3 Q. Okay. Mr. Tudor, is that a  
 4 declaration that you made and signed on or about  
 5 June 26, 2006?  
 6 A. Yes. Yes.  
 7 MR. CHALOS: Okay. I would like to  
 8 move this into evidence.  
 9 MR. KOTILA: I am going to object for,  
 10 one, its relevancy. It is beyond the scope of my  
 11 direct examination. I also object because I  
 12 understand it is in English. His first language is  
 13 Romanian. I object because what it is is nothing but  
 14 a bolstering. He is here to testify.  
 15 BY MR. CHALOS:  
 16 Q. Mr. Tudor, at the time that you signed  
 17 this, did you understand the contents of the  
 18 declaration?  
 19 A. Yes.  
 20 Q. And when you wrote, "I have done  
 21 nothing wrong," that's the truth; right?  
 22 A. Yes.  
 23 Q. Now, since the time that you have been  
 24 asked to come off your ship and stay in the United

22 (Pages 82 to 85)

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|---|--|
| <p>1 States, you have been staying in a hotel; right?</p> <p>2 A. Yes.</p> <p>3 Q. And that hotel bill is being paid by</p> <p>4 the company; right?</p> <p>5 A. Yes.</p> <p>6 MR. KOTILA: Objection to the</p> <p>7 relevance of this line of inquiry.</p> <p>8 BY MR. CHALOS:</p> <p>9 Q. The company is also paying for your</p> <p>10 meals as well; right?</p> <p>11 A. Yes. Correct.</p> <p>12 Q. And the company has also agreed to pay</p> <p>13 your salary as if you were on board the ship; right?</p> <p>14 A. Correct.</p> <p>15 Q. And they have done all that?</p> <p>16 A. Correct.</p> <p>17 Q. And to be clear, everything the</p> <p>18 company said they were going to do they have done;</p> <p>19 right?</p> <p>20 A. Yes.</p> <p>21 MR. KOTILA: Objection; vague.</p> <p>22 BY MR. CHALOS:</p> <p>23 Q. Just one last question, I think.</p> <p>24 There were some questions earlier by Mr. Kotila about</p>       | <p>1 witness. I will take a look at my notes, but I will</p> <p>2 pass. Thank you, Mr. Tudor.</p> <p>3 THE WITNESS: (without interpreter)</p> <p>4 You are welcome.</p> <p>5 MR. WOODWARD: One moment.</p> <p>6 MR. KOTILA: Can we go off the record</p> <p>7 for a second?</p> <p>8 (Luncheon recess taken at 1:00 p.m.)</p> <p>9 AFTERNOON SESSION</p> <p>10 (Reconvened at 2:10 p.m.)</p> <p>11 BY MR. WOODWARD:</p> <p>12 Q. Mr. Tudor, my name is Carl Woodward,</p> <p>13 and I represent Adrien Dragomir, the chief engineer</p> <p>14 and defendant in this case. I think you know</p> <p>15 Mr. Dragomir; correct?</p> <p>16 A. Yes. Correct.</p> <p>17 Q. I am just going to ask you a few</p> <p>18 questions. One, I want to go back to the first time</p> <p>19 or the times that you were interviewed by the United</p> <p>20 States Coast Guard back in December of 2005. Okay?</p> <p>21 A. Yes.</p> <p>22 Q. I think you said you were interviewed</p> <p>23 for a very short period of time.</p> <p>24 A. The first time I was interviewed for</p> |
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| <p>1 the oily water separator having some rusted parts. Do</p> <p>2 you remember that?</p> <p>3 A. Yes.</p> <p>4 Q. Now, you can't tell by looking at</p> <p>5 whether it is rusty or not whether or not the</p> <p>6 machinery works, can you?</p> <p>7 MR. ROTH: The question is: (Mr. Roth</p> <p>8 spoke in Romanian.)</p> <p>9 THE WITNESS: Correct.</p> <p>10 MR. ROTH: Yes, correct. You can't</p> <p>11 tell.</p> <p>12 MR. CHALOS: You cannot tell; right?</p> <p>13 MR. ROTH: You cannot tell.</p> <p>14 BY MR. CHALOS:</p> <p>15 Q. Now, in fact, Mr. Tudor, in your</p> <p>16 experience almost 30 years on board ships, the</p> <p>17 equipment is exposed to the sea air; right?</p> <p>18 A. Yes, correct.</p> <p>19 Q. And sometimes pieces and parts do</p> <p>20 rust; right?</p> <p>21 A. Of course.</p> <p>22 Q. But they still operate?</p> <p>23 A. Yes, of course.</p> <p>24 MR. CHALOS: Okay. I will pass the</p> | <p>1 about five minutes, and the next time was a longer</p> <p>2 period, maybe --</p> <p>3 Q. How much longer?</p> <p>4 A. Approximately up to half an hour, but</p> <p>5 don't quote me on this. I cannot recall it. And I</p> <p>6 was together with Nikolai.</p> <p>7 Q. All right. So that interview involved</p> <p>8 not only you, Mr. Tudor, but also Nikolai; correct?</p> <p>9 A. Correct.</p> <p>10 Q. Both those interviews that were</p> <p>11 conducted by the Coast Guard with you and with</p> <p>12 Nikolai, they were conducted in English; correct?</p> <p>13 A. Correct.</p> <p>14 Q. Was an interpreter provided?</p> <p>15 A. No.</p> <p>16 Q. Were you offered the opportunity to</p> <p>17 have an interpreter?</p> <p>18 A. No. I wasn't offered.</p> <p>19 Q. Were you advised that you could have a</p> <p>20 lawyer present, too?</p> <p>21 A. I don't recall.</p> <p>22 Q. Now, I want to direct your attention</p> <p>23 back to sometime in the summer of 2005. And</p> <p>24 specifically, did there come a point in time when</p>    |

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23 (Pages 86 to 89)

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| <p>1 Chief Engineer Tomondong asked you to assist him in<br/>2 preparing a nonconformity report?<br/>3 A. Yes.<br/>4 Q. And did you give him advice<br/>5 regarding -- give him technical advice regarding the<br/>6 operation of the oily water separator?<br/>7 A. Yes.<br/>8 Q. That is, the electronics on the --<br/>9 A. Yes.<br/>10 Q. -- on the electrical part of the oily<br/>11 water separator?<br/>12 A. Yes.<br/>13 Q. And did he prepare a report from that?<br/>14 A. I don't know.<br/>15 Q. Do you know what Mr. Tomondong did<br/>16 with any of that information?<br/>17 A. I don't know. No, I don't know.<br/>18 MR. WOODWARD: No further questions.<br/>19 REDIRECT EXAMINATION<br/>20 BY MR. KOTILA:<br/>21 Q. Just a couple questions, Mr. Tudor. I<br/>22 just got a couple of questions for you. Again, for<br/>23 the record, Mark Kotila. Again, I am from the<br/>24 Department of Justice.</p>                | <p>1 Q. In English?<br/>2 A. Yes.<br/>3 Q. Okay. One of the documents placed in<br/>4 evidence by Mr. Chalos, back in the year 2002 you took<br/>5 the course regarding to MARPOL 7378?<br/>6 A. Yes.<br/>7 Q. Do you recall what you learned in that<br/>8 course?<br/>9 A. Yes.<br/>10 Q. Do you recall if a ship can operate<br/>11 with an inoperable oily water separator while at sea?<br/>12 A. Yes.<br/>13 Q. Can it operate with an inoperable --<br/>14 A. No.<br/>15 Q. It cannot?<br/>16 A. No, it cannot operate.<br/>17 Q. This document, if I may -- I am not<br/>18 going to refer to the document. You have been here in<br/>19 the United States since December?<br/>20 A. Yes.<br/>21 Q. And you have been in a Philadelphia<br/>22 hotel?<br/>23 A. Yes.<br/>24 Q. And you received your salary from the</p> |
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| <p>1 Mr. Tudor, you took a MARPOL course.<br/>2 A. Yes.<br/>3 Q. How long was that course?<br/>4 A. The course was a half a day.<br/>5 Q. Half a day. What, if anything, do you<br/>6 recall in that course -- when did you take the course?<br/>7 A. Before I signed the contract.<br/>8 Q. In this Irene, for the Irene matter?<br/>9 A. What course do you refer to?<br/>10 Q. The MARPOL course. I believe you have<br/>11 a certificate in there, defendants' exhibit. Pull it<br/>12 out.<br/>13 A. (without interpreter) This one.<br/>14 Q. The top one is craft and rescue boats,<br/>15 safety training, familiarization safety training for<br/>16 ratings, Maritime English. You took that course.<br/>17 A. Yes.<br/>18 Q. How long was that course?<br/>19 A. One week.<br/>20 Q. One week?<br/>21 A. Yes.<br/>22 Q. And you learned English?<br/>23 A. No, no, no. That was only training<br/>24 for the technical words.</p> | <p>1 company?<br/>2 A. Yes.<br/>3 Q. And you are free to move about the<br/>4 United States at will --<br/>5 A. Yes.<br/>6 Q. -- correct?<br/>7 And your hotel is paid?<br/>8 A. Yes.<br/>9 MR. KOTILA: All right. I have no<br/>10 further questions.<br/>11 MR. CHALOS: Just a little recross.<br/>12 RECROSS-EXAMINATION<br/>13 BY MR. CHALOS:<br/>14 Q. Now, Mr. Tudor, just a few questions<br/>15 about the OWS. It is not part of your job to know<br/>16 when to use the OWS, is it?<br/>17 MR. KOTILA: Objection. That is<br/>18 beyond the scope of my redirect.<br/>19 MR. CHALOS: You just asked him about<br/>20 operating it.<br/>21 MR. KOTILA: I asked him about MARPOL<br/>22 Go ahead. Ask your question, but I object because<br/>23 that is beyond the scope of what I asked him.<br/>24</p>                 |



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24 (Pages 90 to 93).

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| <p>1 BY MR. CHALOS:</p> <p>2 Q. Okay. Well, let me just be clear.</p> <p>3 You don't really know, do you, Mr. Tudor, whether or</p> <p>4 not a ship can sail between two ports if the OWS isn't</p> <p>5 being used, do you?</p> <p>6 MR. KOTILA: Objection; asked and</p> <p>7 answered.</p> <p>8 MR. CHALOS: Okay. You can answer,</p> <p>9 though.</p> <p>10 THE WITNESS: No. Whatever I said was</p> <p>11 referred to MARPOL.</p> <p>12 BY MR. CHALOS:</p> <p>13 Q. Let me see if I understand. Have you</p> <p>14 ever read the MARPOL treaty?</p> <p>15 A. Yes, through the course.</p> <p>16 Q. And apart from reading it in the</p> <p>17 courses, have you ever received any legal training?</p> <p>18 A. What do you refer to?</p> <p>19 Q. Well, you are not a lawyer, are you?</p> <p>20 No?</p> <p>21 A. No.</p> <p>22 Q. And you are not a judge?</p> <p>23 A. Of course.</p> <p>24 Q. And it is not part of your job to</p> | <p>1 I HAVE READ THE FOREGOING DEPOSITION, AND IT IS TRUE</p> <p>2 AND CORRECT TO THE BEST OF MY KNOWLEDGE.</p> <p>3</p> <p>4</p> <p>5</p> <p>6 PAUL TUDOR</p> <p>7 ---</p> <p>8 INDEX</p> <p>9 PLAINTIFF'S WITNESS Direct Cross Redr. Recr.</p> <p>10 Paul Tudor 3 36 86 89</p> <p>11 CSME DEFENDANTS' EXHIBITS Marked</p> <p>12 1 Employment contract dated 5/23/05, between</p> <p>Chian Spirit and Mr. Tudor----- 36</p> <p>13</p> <p>14 2 Copy of Mr. Tudor's passport and seaman's</p> <p>book----- 36</p> <p>15 3 Mr. Tudor's certificates for attendance at</p> <p>various courses----- 36</p> <p>16</p> <p>17 4 Mr. Tudor's medical exam report dated</p> <p>5/12/05----- 36</p> <p>18 5 Letter dated 1/11/06, from Mr. Connolly to</p> <p>Mr. Twersky----- 36</p> <p>19</p> <p>20 6 Declaration of Paul Tudor, dated 6/26/06--- 36</p> <p>21</p> <p>22 7 Chian Spirit's safety and environmental</p> <p>protection policy----- 36</p> <p>23 ---</p> <p>24 (Exhibits attached to original transcript and copies.)</p>   |
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| <p>1 interpret laws or international treaties, is it?</p> <p>2 A. Correct.</p> <p>3 Q. Correct. It is not part of your job?</p> <p>4 A. Yes.</p> <p>5 Q. So to say whether or not the MARPOL</p> <p>6 treaty speaks about the operation of an oily water</p> <p>7 separator, would you agree that that is best decided</p> <p>8 by the lawyers and the judge?</p> <p>9 MR. KOTILA: Objection; calls for</p> <p>10 speculation.</p> <p>11 THE WITNESS: I don't have an idea.</p> <p>12 MR. KOTILA: You don't have any idea.</p> <p>13 THE WITNESS: No.</p> <p>14 MR. CHALOS: Okay. Nothing further.</p> <p>15 MR. WOODWARD: No further questions.</p> <p>16 MR. KOTILA: Thank you, Mr. Tudor.</p> <p>17 MR. TWERSKY: Reserve reading and</p> <p>18 signing.</p> <p>19 ---</p> <p>20 (Deposition concluded at 2:20 p.m.)</p> <p>21 ---</p> <p>22</p> <p>23</p> <p>24</p>  | <p>1 CERTIFICATE</p> <p>2 I, LORRAINE B. MARINO, Registered</p> <p>3 Diplomate Reporter and Notary Public, do hereby</p> <p>4 certify that the witness, PAUL TUDOR, after being duly</p> <p>5 sworn by me, was examined by counsel for the</p> <p>6 respective parties and the questions of said witness</p> <p>7 and her answers were taken down by me in stenotype</p> <p>8 notes and thereafter transcribed into typewriting at</p> <p>9 my direction.</p> <p>10 I certify that the foregoing is a true</p> <p>11 and correct transcript of the testimony given at said</p> <p>12 examination of said witness.</p> <p>13 I further certify that the deposition</p> <p>14 was made available to the witness for reading and</p> <p>15 signing.</p> <p>16 I further certify that I am not</p> <p>17 counsel, attorney, or relative of either party, or</p> <p>18 otherwise interested in the event of this suit.</p> <p>19</p> <p>20</p> <p>21</p> <p>22 Registered Diplomate Reporter and Notary Public</p> <p>23 Certificate No. 181PS/Exp.: Permanent</p> <p>24</p> <p>Date: 7/24/06</p> |